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Item No: 7.1

Application: 171529

Applicant: Gladman Developments

Proposal: Outline planning application for the development of up to 150 dwellings (including 30% housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Halstead Road and Fiddlers Hill. All matters reserved except for means of access.

Location: Land Off, Halstead Road, Eight Ash Green

Ward: Lexden & Braiswick

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 constitutes a departure from the adopted Local Plan by virtue of the application site being outside the current settlement boundary of Eight Ash Green. In addition, the proposal represents major development where objections have been received and the recommendation is for approval. A s106 legal agreement is also required.
- 1.2 Councillor Barber has also requested that the application be determined at Planning Committee for the following reasons:

‘The application is premature before completion and submission of the neighbourhood plan as part of Eight Ash Green’s allocation from the emerging local plan. There are also insufficient plans for infrastructure in this application, which is a key reason for residents choosing this area for development as part of the neighbourhood plan.’ [Case Officer Update: The Eight Ash Green Neighbourhood Plan has been examined by an independent examiner and publication of the final report is expected imminently. Further details are provided within the remainder of this report).

2.0 Synopsis

- 2.1 The application seeks outline planning permission for the development of up to 150 dwellings (including 30% housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Halstead Road and Fiddlers Hill. All matters are reserved (i.e. further reserved matters applications are required in respect of these detailed matters except for means of access).
- 2.2 The key issues for consideration are the principle of development; landscape impact; traffic and highway implications; contamination; flood risk; ecology; heritage; amenity; and design and layout. Impact on neighbouring amenity and the surrounding area will also be discussed.
- 2.3 The emerging Eight Ash Green Neighbourhood Plan (EAG NP) has allocated the entire site that is the subject of this application for 150 dwellings. Following the required Regulation 16 consultation held between 22 January to 5 March 2019 of the EAG NP, an independent examiner was appointed to examine the Plan. Examination commenced in May 2019 and the EAG NP is considered to be at an advanced stage and commanding weight in the decision-making process as the Examiners Report is currently being fact-checked by Colchester Borough Council and the Qualifying Body (Eight Ash Green Parish Council) with publication of the final report being expected shortly.
- 2.4 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended, subject to the prior completion of a S106 agreement.

3.0 Site Description and Context

- 3.1 The site, measuring 8.23ha in area, lies outside, but contiguous to, the settlement boundary of Eight Ash Green and comprises three field parcels; the two easternmost fields being separated by a hedge, and the westernmost field being separated on its eastern boundary by an access track.
- 3.2 The site lies between Fiddlers Hill to the north and Halstead Road to the south. The site wraps around a row of six cottages located on Halstead Road (Choats Cottages) and lies to the west of Fiddler's Folly, a densely built residential development. Immediately to the north-west of the site is a Grade II listed building known as Fiddlers Farm with associated farm buildings (now operating as a variety of business units). Beyond this is Fiddlers Wood, a local wildlife site and ancient woodland. The site is within an area recorded as being Grade 2 (best and most versatile) agricultural land.
- 3.3 The statutory listing description for Fiddlers Farm reads as follows:
EIGHT ASH GREEN FIDDLERS HILL 1. 5214 Fiddlers Farmhouse TL 92 NW 7/65 II 2. Circa 1900 (typographical error?). Timber framed and plastered 2 bay range of one storey and attics, with central chimney bay and tapered red brick chimney stack. Roof ridged and gabled, pegtiled. One flat topped dormer on east slope; above door on ground storey which has 6 fielded panels 2 leaded casements on first storey and a leaded casement to left and right of door. A short range of one storey extends length to north east with 3 modern leaded casements - with pegtiled ridge and gable roof. Extended further to north east, by a plastered brick and timber range of one bay with matching pegtiled roof and modern chimney centrally and a set of 3 leaded casements. Plaster medallion with date '1700' over entrance door.

Listing NGR: TL9319126614

- 3.4 The nearest community facilities to the site are Holy Trinity Primary school (approximately 250m from the site); a petrol station with shop (approximately 425m from the site); and a general store and hairdresser (approximately 495m from the site). In terms of public transport, there are bus stops to both the north (Wood Lane) and south (Halstead Road) of the site, being approximately 420m and 580m from the centre of the site respectively. There are Public Rights of Way (PROW) in the vicinity of the site, the nearest one being PROW 132_15 opposite the site on Halstead Road, which leads south to Daisy Green.

4.0 Description of the Proposal

- 4.1 The application seeks Outline Permission for a development of up to 150 dwellings (including 30% housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Halstead Road and Fiddlers Hill. All matters are reserved except for the means of access.

- 4.2 The following documents have been submitted as part of the planning application:
- Affordable Housing Statement
 - Air Quality Screening Report
 - Arboricultural Assessment
 - Archaeological Assessment
 - Built Heritage Assessment
 - Design and Access Statement
 - Draft Heads of Terms
 - Ecological Impact Assessment
 - Ecology Addendum (bat, dormouse, reptile, and great crested newts surveys)
 - Flood Risk Assessment
 - Foul Drainage Analysis
 - Health Impact Assessment
 - Landscape and Visual Impact Assessment
 - Noise Assessment
 - Phase 1 Geoenvironmental Assessment (Desk Study)
 - Planning Statement
 - Socio-Economic Statement
 - Soils and Agricultural Quality of Land Report
 - Statement of Community Involvement
 - Geophysical Survey Report
 - Transport Assessment
 - Travel Plan
 - Utilities Statement
- 4.3 The following drawings have also been submitted:
- Development Framework Plan CSA/3121/111 Rev E
 - Location Plan CSA/3121/113
 - Proposed Site Access Strategy P16089-001G
- 4.4 A request for an Environmental Impact Assessment Screening Opinion was submitted on 9th March 2017 under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (ref: 170654), with the Local Planning Authority response being issued on 15th March 2017. The conclusion of the Local Planning Authority was as follows:
- 4.5 “The land is not sensitive as defined by the Regulations and there are no other existing receptors likely to be significantly affected by this proposal. Any identified potential environmental impacts would be subject to appropriate mitigation measures within the normal planning process. Consequently, while there may be some impact as a result of this development, it is not considered that a proposal of this type, size, and scale at this location would result in significant environmental impact. An Environmental Impact Assessment is not, therefore, required.”
- 4.6 A further Screening assessment was undertaken upon receipt of the Outline application in line with the 2017 Regulations, which came into force on 16th

May 2017. The conclusion remained that an Environmental Impact Assessment is not required.

5.0 Land Use Allocation

5.1 Unallocated in the adopted Local Plan. Allocated for residential development as part of policy SS5 of the emerging Local Plan and the Eight Ash Green Neighbourhood Plan (EAG NP). Following the required Regulation 16 consultation held between 22 January to 5 March 2019 of the EAG NP, an independent examiner was appointed to examine the Plan. Examination commenced in May 2019. The Examiners Report has been received and is currently being fact-checked by Colchester Borough Council and the Qualifying Body (Eight Ash Green Parish Council) with publication of the final report being expected shortly.

6.0 Relevant Planning History

6.1 A pipeline from Wormingford Pumping Station to Abberton Reservoir runs through the site (ref: 080194).

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 ('the Framework') must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities

- ER1 - Energy, Resources, Waste, Water and Recycling

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

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

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

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Backland and Infill
- Affordable Housing
- Community Facilities
- Open Space, Sport and Recreation
- Sustainable Construction
- Cycling Delivery Strategy
- 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
- Eight Ash Green Village Design Statement

7.5 Submission Colchester Borough Local Plan 2017-2033:

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

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

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application. In particular, Policy SS5 sets out that allocations for development will be made via the Eight Ash Green Neighbourhood Plan. The Neighbourhood Plan is now at an advanced stage having been submitted to the Planning Inspectorate (PINS) for examination. The Examiner's initial report has been received and is currently being fact-checked by Colchester Borough Council and the Qualifying Body (Eight Ash Green Parish Council) with publication of the final Examiner's Report being expected shortly. As the contents of this report are now known, there are no issues identified that would prevent progression of the Neighbourhood Plan to Referendum.

8.0 Consultations

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

8.2 Anglian Water:

There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Eight Ash Green Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Recommended condition relating to surface water management strategy.

8.3 Arboricultural Officer:

The Council Arboricultural Officer has confirmed that they would require further information in order to assess the impact of the proposal upon trees (i.e. a plan to show built form in relation to the tree constraints plan).

8.4 Archaeological Adviser:

An adequate geophysical survey has been carried out across the proposed development site. There are now no grounds to consider refusal of outline permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any outline permission granted should be the subject of a planning condition to record and advance understanding of the significance of

any heritage asset before it is damaged or destroyed. Recommended a condition for further archaeological investigation.

8.5 Building Control:
No comments received.

8.6 Colchester Fire Station:
No comments received.

8.7 Colchester Police:
No comments received.

8.8 Contaminated Land Officer:
It is concluded that no potential sources of contaminative risk have been identified. However, it is noted that further risk assessment has been recommended, including intrusive site investigations. The applicant should be advised that Environmental Protection will expect the proposed additional site investigation to include all potential sources of contamination, including the land adjacent to the car repair/scrap car storage areas; the current on-site agricultural use(s), as well as any current or historic offsite uses of the storage sheds (located just beyond the north-western boundary of the site); the pole mounted substation. Laboratory analysis suites must be relevant to the conceptual site model e.g. to include PAHs, VOCs, PBCs, pesticides, herbicides, insecticides, biocides, asbestos etc.

Based on the information provided, it would appear that the site could be made suitable for the proposed use, with land contamination matters dealt with by way of condition. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of conditions for site characterisation, remediation, and procedure to follow should any unexpected contamination be encountered.

8.9 Environment Agency:
No comments.

8.10 Environmental Protection:
Areas of the site have been identified to be exposed levels of noise that are adverse to health and will be caused a statutory nuisance from existing neighbouring business activities that will lead to legal action being taken against the existing business should complaints be received (Which is very likely based on the data supplied). This does not apply to the whole site.

Mitigation can be provided for the road traffic noise which should incorporate the design and layout considerations as well as building envelope mitigation.

The noise from the business activity can only really be mitigated in a way that offers protection to the business on site by installing at source mitigation options as described in the Wardell Armstrong report. The mitigation should be carried out and a further BS4142 noise assessment undertaken prior to the agreement of reserved matters. Housing should only be located in areas where the noise assessment identifies an adverse impact.

Should OUTLINE planning permission be granted the following conditions are recommended: detailed acoustic assessment; scheme for mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the development.

8.11 Essex County Fire and Rescue:

No comments received.

8.12 Essex Partnership for Flood Management:

No comments received.

8.13 Essex Police:

No comments received.

8.14 Essex Wildlife Trust:

We have examined the proposals and the accompanying ecological report. There is the potential for multiple adverse impacts on a range of protected and priority species and habitats, therefore it is crucial that all the mitigation measures outlined in the [Ecological Impact Assessment] are delivered in full and supported by secured funding.

Post-development monitoring of both onsite biodiversity, plus the habitat condition and biodiversity of Fiddler's Wood LoWS and the hedgerows, should also be secured via a S.106 agreement, with measures included to address any reduction in biodiversity or loss of habitat condition within the LoWS and the hedgerows.

In addition to the proposed house martin boxes, consideration should be given to the incorporation of Manthorpe Swift Nesting Brick Boxes into new buildings.

8.15 Forestry Commission:

No comments received.

8.16 Highway Authority:

No objections from a highway and transportation perspective subject to conditions for a construction management plan; a range of highway improvements (priority junction, bus stop upgrades, widen footway on Halstead Road, residential travel information packs, residential travel plan); and a restriction on through traffic.

8.17 Highways England:

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

No objection subject to condition to secure a travel plan.

8.18 Heritage Advice:

The main conservation issue raised by this application is the effect that the proposed development would have on the setting of nearby listed buildings, most notably Fiddler's Farmhouse which is located to the north west of the application site.

The Built Heritage Assessment (BHA) identifies that harm will be caused to the setting of Fiddlers Farmhouse. The report does not however provide a cogent justification as to why this site is the most suitable site for development (i.e. there are no alternative sites available) nor does it explain how the public benefits that may flow from this development outweigh the harm that will be caused. These elements need to be resolved prior to the determination of this application. The measures that are put forward to mitigate the impact of the proposed development also need to be robustly tested prior to determination (and appropriate amendments undertaken if found necessary). The Framework provides that in cases of less than substantial harm, the public benefits of the scheme should be weighed against the public benefits in the 'planning balance'.

8.19 Landscape Officer:

The following should be taken into consideration when determining the application:

- The Design and Access Statement and Landscape Appraisal needs to be revised to take account of the protected hedgerows on site and the conclusions of any agricultural classification survey. [Case Officer Comment: It is considered that a satisfactory assessment can be made with regards to these matters without the documents being physically amended]
- The field boundary hedges are protected under the Hedgerows Regulations 1997 and this need to be taken into consideration.
- The proposals include two breaches of the protected hedgerow (one on Fiddlers Hill and one on Halstead Road) to facilitate the site accesses. Further details are required to clearly plot the footprint of the existing hedge, the breach point, any sight line requirements, and lengths of the hedgerow required to be removed.
- The site lies outside the adopted settlement boundary and is therefore subject to Core Policy ENV1. ENV1 requires that 'unallocated green-field land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough'.
- The site lies within Landscape Charter Area B4, this sets a landscape strategy objective to 'conserve and enhance' the landscape character of the Area. It might be argued that the proposal, introducing as it does an urban development with proposals to remove existing protected field hedges and a substantial area of grade 2 agricultural land, fails to 'conserve and enhance' the existing rural character of the site and dilutes the sites field hedgerow structure. This fragmenting the rural setting of Eight Ash Green (which is characterised 'a mixture of medium to large-scale enclosed, predominantly arable fields') and thereby failing to comply with the

requirements of the Colchester Borough Landscape Character Assessment and therefore Core Policy ENV1.

- The agricultural land classification report lodged on 04/08/17 identifies the site as comprising higher grade 2 (very good quality) & 3a (good to moderate) agricultural land. If it is considered that higher grade land equates to 'the best and most versatile land' classification under the Framework then this will need to be taken into account.

[Case Officer comment: The site does not comprise a 'valued landscape' under the Framework. The localised urbanising effect on the edge of the village that would result from the development could arguably inevitably result from any such greenfield allocation. In terms of the grade of land, whilst grade 2 land is one of best grades of agricultural land, much of the Borough falls within these categories and some loss is almost unavoidable consequently.]

8.20 National Grid:

No comments received.

8.21 Natural England:

No objection. The proposed development could benefit from enhanced green infrastructure and biodiversity enhancements.

[Case Officer Note: The site is within an SSSI Impact Zone and there is a requirement to consult Natural England. Although Natural England have been consulted, they have not provided any comments in respect of impact on the setting of the SSSI.]

8.22 NHS:

The NHS have provided comments as part of the Council's Development Team process in respect of s106 obligations. Please see section 15 of this report.

8.23 Planning Policy:

The Council's Planning Policy team have provided detailed advice to the Case Officer and this will be included in the main body of this report.

8.24 RSPB:

No comments received.

8.25 Street Services:

No comments received.

8.26 SUDs:

No objection subject to conditions for a detailed surface water drainage scheme; scheme to minimise off-site flooding from surface water during construction; and a maintenance and management plan for the drainage strategy.

8.27 Urban Designer:

I would object to the application which based on the information provided seeks to unnecessarily promote a relatively remote, inaccessible (by public transport) and generally unsustainable greenfield site:

- Locally valued greenfield site;

- Development would be reliant on car access given lack of amenities, job opportunities and decent public transport within reasonable walking distance;
- No direct pedestrian/cycle links proposed to Fiddlers Folly;
- Increase in traffic on rural lanes will detrimentally impact on walking, cycling and the area's rural character;
- The proposed 150 dwellings is significantly larger than required to support natural growth in Eight Ash Green;
- Eight Ash Green isn't a sustainable location;
- Unlikely that the proposed density of 36dph will be achievable whilst meeting adopted design standards and in response to the rural context;
- A lower density scheme of less than 30dph would be more appropriate to the site location;
- No compelling place-making vision or wider deliverable access improvements.

[Case Officer Note: The objections from the Urban Designer are noted, although they primarily cover matters of Planning Policy rather than strictly urban design. The matters raised are assessed in the main body of the report, and moreover considered by the Neighbourhood Plan site selection process but in summary the site is in a location that is reasonably served by a number of services and facilities required for day-to-day living (i.e. a school, shop, hairdresser, bus stops); pedestrian links are accounted for; traffic impact has been assessed as being acceptable by both the Highway Authority and Highways England; the amount of housing required to support growth and need for Eight Ash Green has been determined as part of the emerging Local Plan and Neighbourhood Plan process; indicative layouts have been provided, along with an analysis of potential character areas, the detail of which will be determined at Reserved Matters. Eight Ash Green is considered to be a sustainable location for housing growth as reflected in the adopted development framework for the village.]

8.28 The Woodland Trust:
No comments received.

9.0 Parish Council Response

9.1 The response from Eight Ash Green Parish Council (dated 17th July 2017) is as follows:

'Eight Ash Green Parish Council have considered this application in detail taking into account the current Village Design Statement and the emerging EAG Neighbourhood Plan.

We consider that this application is premature - the application site is currently outside the defined settlement boundary of the village. The emerging Neighbourhood Plan addresses this issue, but the boundary will remain unchanged until the Plan has been independently examined and adopted.

We consider that further information on the implications for traffic generation and

the package of mitigation and improvement for the village is necessary before an informed decision on the acceptability of the application is made.'

[Case Officer Update: The Parish Council comments were submitted in 2017 and since then The Eight Ash Green Neighbourhood Plan has been submitted for independent examination. The Examiner's report has been received and is currently being fact-checked by both Colchester Borough Council and the Parish Council, with the Examiner's final report being expected shortly.]

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 Seven letters of objection have been received from local residents, the content of which has been summarised below:

- The proposal is extending the village and will destroy the countryside. There is a lot of unused land inside the village envelope that has not yet been developed.
- Although this is the 'village preferred' site for development the application is far too premature. The Neighbourhood Plan is still being put together and the chosen development site should be for after the Neighbourhood Plan has been fully adopted and not before.
- The indicative site plan does not include the link road to take HGV traffic away from all the residential areas around Fiddlers Hill, Wood Lane, Heath Road, Porters Lane, and Porters Close. This was proposed by the landowner's Agent and was shown on earlier drawings displayed at public meetings.
- Although this site was chosen by a survey of some of the residents, it was only chosen because of the offer of the link road from Fiddlers Hill to Halstead Road, as well as an offer of either land or financial help to build a new village hall. If these items have been withdrawn, it is necessary to go back and reconsider all the other sites that offered rewards to the village.
- This site, or indeed any site in the village, should not be considered until all the other proposals around Colchester are settled (i.e. the sites proposed for allocation in the emerging Local Plan). These sites would provide thousands of homes which may be enough to satisfy the needs of this part of Essex.
- Highway and pedestrian safety
 - On the approach to Eight Ash Green from the west Halstead Road changes from 40mph to 30mph, but many road users do not observe the speed limit (tables 3.1 and 3.2 of the Transport Assessment shows this). There have been several incidents on this road due to the excessive speed of motorists and the residents are in constant fear of accidents. Physical speed calming measures are required as part of the development.

- The pavements surrounding development area are only one foot wide in places and the public walkway opposite No. 1 Choats Cottage opens up on a blind corner at the point where Halstead Road becomes 40mph. It is currently far too dangerous for walkers to negotiate. A pedestrian crossing should be considered at the point where the proposed development land meets the current public walkway opposite No. 1 Choats Cottage. The pavements and walkways in the area surrounding the proposed development should be improved as part of the proposals.
- The proposed 150 dwellings could generate up to 300 vehicle movements twice a day, adding to existing problems on the A12 and the A1124 Halstead Road.
- Proposed new roundabout will increase car fumes and pollution due to cars stopping and starting.
- Halstead Road will become much busier, which will increase noise and disturbance to residents. Currently sleep is disturbed by motorbikes and cars on the road at night.
- Views of the countryside from Choats Cottages will disappear (currently compensating for the busy Halstead Road).
- Concerns regarding overlooking. Properties must be restricted from overlooking the gardens of the Choats Cottages residents.
- Disagree with the statement that the proposed site could be fed by existing infrastructure. The broadband and mobile phone coverage in this area is inadequate; mobile coverage is intermittent and the download speeds are very slow. The service is not sufficient for current residents, let alone new ones. The development should be required to implement telecoms fibre cable connections to provide an adequate and sustainable broadband service for this area.
- Proposed road and houses alongside No. 1 Choats Cottages (including garden) will disturb residents.
- The development will increase vulnerability of Choats Cottages to intruders (gardens are currently difficult to access).
- Wildlife habitat will be destroyed. Currently have bats, owls, woodpeckers, deer, badgers, Kestrals, and Sparrowhawks visiting gardens.
- The fumes, dust and vibrations during the construction period will cause disruption.
- Concern that the 20% affordable housing will be withdrawn after Outline Permission is given with claims that its inclusion will make the site unviable.
- The short determination time does not give other parties long enough to conduct their own studies into environmental impact, traffic surveys, public transport, school availability, and medical services.

10.3 Three letters of support has been received from a local resident, the content of which is summarised below:

- There is a shortage of property in North Essex and we need these developments for the next generation of workers, most of whom will work from home, which is good for the North Essex local economy.
- The village is in desperate need of more housing.

- Provision should be made for a new Eight Ash Green village hall as the present one in Spring Lane has poor access, insufficient parking, and the building is an old 1940 Nissan hut designed for a temporary use.
- Aghast that the Applicant is required to justify the impact of the development on a listed building.

11.0 Parking Provision

11.1 The application is for outline permission only and no layout or detailed design is to be agreed at this stage. Any Reserved Matters application would be required to comply with the Council's adopted Vehicle Parking Standards, subject to material planning considerations.

12.0 Accessibility

12.1 As an Outline application there is limited detail on the layout and design of the development; these matters will be forthcoming in a Reserved Matters application. Access to/from the site is applied for in full and this will be assessed as part of the application.

12.2 With regards to the Equality Act, there are no concerns that the proposals would result in any discrimination. The submitted Design and Access Statement provides further information on accessibility issues, with particular reference to creating 'a place that is accessible to everyone, which makes everyone feel comfortable, safe and secure and a place where people want to live.'

13.0 Open Space Provisions

13.1 The indicative layout shows public open space and play areas, although details of the layout and landscaping of the scheme would be required as part of a Reserved Matters application rather than at this stage. It would be necessary, however, to secure that at least 10% public open space is provided on site in accordance with Development Plan Policy DP16. This requirement is carried forward to Policy DM18 of the emerging Local Plan. In addition, 1.84 hectares of open space will be required to be made available prior to first occupation of the development as on-site mitigation as part of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). Further information in respect of RAMS is included in section 16 of this report.

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 Council's Development Team. It was considered that Planning Obligations should be sought. The Obligations requested by DT that would be agreed as part of any planning permission would be (in alphabetical order):

- Affordable Housing: 30%
- Archaeological financial contribution toward the display, promotion, and management of archaeological discoveries from the site;
- Community Facilities financial contribution towards Eight Ash Green Village Hall and/ or Fordham Village Hall; or toward the provision of a new community facility within the vicinity of the site;
- Ecological Mitigation contribution for off-site mitigation, as well as securing 1.84 hectares of open space prior to occupation of any dwelling as on-site mitigation, as part of the Conservation of Habitat and Species Regulations 2017 and the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS);
- Education financial contribution towards increased pupil capacity at Holy Trinity CE Primary School and/or Fordham All Saints CE Primary School; and Secondary School Transport contribution;
- Healthcare financial contribution toward Ambrose Avenue Group Practice (including its main surgery);
- Secure provision of Public Open Space, amenity areas, and play areas on site.

16.0 Report

16.1 The main issues in this case are: principle of development; landscape impact; highway matters; contamination; flood risk and drainage; ecology; heritage; amenity; and design and layout.

Principle of Development

16.2 The proposal for 150 dwellings on land off Halstead Road, Eight Ash Green is on land which is outside of the current settlement boundary in the Adopted Local Plan and Emerging Local Plan. The site is, however, allocated in the Emerging Eight Ash Green Neighbourhood Plan (EAG NP) under Policy SS5 of the Emerging Local Plan (ELP).

16.3 The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging Local Plan are relevant. The relationship of the proposal to each of those plans and the compliance of relevant adopted and emerging policies with the 2019 National Planning Policy Framework (the Framework) are accordingly key policy considerations in assessing conformity with the Development Plan and the 'planning balance'.

16.4 It is considered that the fundamental principles of both the Adopted and Emerging Local Plans as well as the emerging Neighbourhood Plan are compliant with the new Framework. The analysis below will consider whether there are any relevant non-compliant elements of Colchester Borough Council policy with the Framework that justify a reduction in the weight to be given to the policy in assessing the planning balance in this case. For the Emerging Local Plan and Neighbourhood Plan, the following analysis reflects the Framework criteria on the weight to be given to policies, which depends on the stage of

preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the Framework (see paragraphs 48 – 50 of the Framework 2019).

- 16.5 In the Adopted Plan, Policy SD1 is consistent with the Framework's approach to decision-taking which entails approving proposals that accord with the Local Plan unless material considerations indicate otherwise, and which involves the Local Planning Authority working proactively with applicants. It is noted, however, that the housing and jobs target provided in the policy no longer remain current. Whilst the supply figure itself may be out of date the principle of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded. The settlement hierarchy defined by Policy SD1 designates Eight Ash Green as a rural community which is the lowest order of settlements considered suitable for planned growth. The approach of SD1 is consistent with the continued thrust of the Framework seeking to achieve sustainable development as set out in paragraphs 7 and 8. It also accords with Paragraph 23 which indicates that: "*Strategic Policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area*". It is considered that Policy SD1 seeks to achieve these requirements and therefore fundamentally accords with the Framework.
- 16.6 The allocations made in Policy H1 accord with the requirement in Paragraph 59 of the Framework, which directs local authorities to allocate a sufficient amount and variety of land for housing. Weight can be given to Policy H1 with the exception of the housing target figure which has been superseded by later figures. Whilst the supply figure itself may be out of date, the principle of the overarching spatial strategy and the settlement hierarchy are not, and as such weight should still be afforded to the allocations made in the policy.
- 16.7 The requirements of policy ENV1 for the conservation and enhancement of Colchester's natural and historic environment is in accordance with paragraph 170 of the Framework which clearly recognises the intrinsic character and beauty of the countryside and demonstrates that planning policies should contribute to and enhance the natural local environment via protection, maintenance, and preventing unacceptable risk.
- 16.8 Based on the protection afforded to land outside Settlement Boundaries and outside of the most sustainable locations in SD1 and ENV1, the proposal is not considered to be compliant with these policies. While Policy ENV2 on rural communities covers rural exception sites, it is of limited relevance to this specific proposal which is not based on the rural exception principle.

- 16.9 The Framework also advocates consideration of other factors including emerging local plans which can be afforded weight when they reach an advanced stage of preparation. In this respect Paragraph 48 states that authorities may give weight to emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies (and the significance of these objections - the less significant the greater the weight that can be given) and the degree of consistency of the relevant policies to the Framework (the closer the policies are to policies in the Framework, the greater the weight that may be given). Testing these criteria will inform the judgement about the weight which should be afforded to the emerging Local Plan and Neighbourhood Plan in this case.
- 16.10 The emerging Local Plan (ELP) is considered to be at an advanced stage having been submitted in 2017 with examination having commenced in January 2018.
- 16.11 Amongst other matters, the ELP seeks to allocate additional land to meet the housing targets up to 2033 of 920 homes per year on sites which are in accordance with the revised Spatial Strategy (SG1). Eight Ash Green is identified as a Sustainable Settlement as the third tier in the settlement hierarchy, as these existing settlements are considered to have the potential to accommodate further proportionate growth. Policy SS5 outlines that the Eight Ash Green Neighbourhood Plan (EAG NP) will allocate a preferred site(s) to deliver 150 dwellings.
- 16.12 The Spatial Strategy (Policy SG1), Eight Ash Green allocation (SS5) and EAG NP are aligned with the Framework which reinforces the plan-led system (paragraph 15) and sets out at paragraph 16 how plans should be prepared. The policies will contribute to the delivery of sustainable development. Paragraphs 18 and 28 of the Framework outline that Local Plans should include non-strategic policies which provide more detail for specific areas and types of development. Paragraph 59 reiterates the Government objective of increasing the supply of homes. Paragraph 29 outlines the importance of Neighbourhood Plans to give communities power to develop a shared vision for their area and their ability to contribute to sustainable development in accordance with strategic policies of the Local Plan. The EAG NP is one of a number of neighbourhood plans which will allocate sites for residential dwellings within Colchester as identified by the Spatial Strategy.
- 16.13 The key policies in the emerging Local Plan relevant to this scheme are considered to be highly consistent with the Framework and should therefore be afforded considerable weight.
- 16.14 The final issue to be taken into account when considering the weight to be afforded to the emerging Local Plan is the level of unresolved objection to the relevant policies. Accordingly, further consideration of the issues raised in representations to Policy SS5 is necessary to guide the judgement of the weight which should be given to the emerging policy in this case. A total of

6 representations were made in respect of Policy SS5. These are summarised below:

- Support for this proposed site from the developer
- Concern that the maximum yield for the village is not justified and Eight Ash Green is an appropriate location for increased housing provision
- Consideration of Grade II listed building asset and setting required to determine appropriate location and densities for growth
- Eight Ash Green development could have a severe impact upon A120 and J26 of A12. There is a large amount of development already permitted which will load onto junction which already suffers peak time congestion
- Promotion of alternative site - Land south of Halstead Road

- 16.15 In response to these comments, as outlined in the Framework paragraph 65 strategic policy making authorities are required to outline a housing requirement for designated neighbourhood areas. The examiner of the emerging Local Plan has fully endorsed the housing figure of 920 dwellings per annum as representing the objectively assessed housing need for Colchester in his letter dated 27th June 2018.
- 16.16 The Council's specialists have commented on this application and conclude that a Heritage is a principle consideration for the proposed development. This is a matter that should have informed the site selection as part of the Neighbourhood Plan process.
- 16.17 In terms of Highway-related matters, as a statutory consultee to this application, Highways England have responded to this application suggesting a number of conditions. The Highways Authority have also responded to this application that the proposal is acceptable subject to mitigation and a number of conditions.
- 16.18 The application site covers the entire site allocation in the Eight Ash Green Neighbourhood Plan (EAG NP), which is for 150 dwellings. The EAG NP is considered to be at an advanced stage and therefore commands weight in the decision-making process. Following the necessary Regulation 16 consultation for the EAG NP, held between 22 January to 5 March 2019, an independent examiner was appointed to examine the Plan. Examination commenced in May 2019 and the Examiner's Report is currently being fact-checked by Colchester Borough Council and the Qualifying Body (Eight Ash Green Parish Council) with publication of the final report being expected shortly. Significant weight should therefore be attributed to the EAG NP.
- 16.19 In respect of the site allocation, the Neighbourhood Plan sets out the following policies:

FF1: To designate Fiddlers Field as a single Strategic Site for the development of 150 dwellings

FF2: *Up to 150 residential dwellings on Fiddlers Field with a layout of medium density and design to be compatible with the character and context of the village*

FF3: *A mix of residential dwellings comprising houses, bungalows and flats of no more than 2 storeys high which meet the evidenced housing needs of the village offering homes for first time buyers, downsizers, families and executives*

FF4: *A new direct access road built to a standard which can accommodate HGV traffic and to the satisfaction of the local Highways Authority, will be provided directly linking Fiddlers Hill to the A1124 with access to the said road being provided by way of priority junctions*

FF5: *A specific speed limit and other speed limiting measures that are appropriate to the residential roads within Fiddlers Field site*

FF6: *A new pavement built to standards outlined within the Highways England Design Manual for Roads and Bridges, Volume 7 Pavements Design and Maintenance⁴, will be provided along the northern edge of the A1124 to connect the site to the village facilities*

FF7: *A pedestrian through route linking to the Holy Trinity School and the Fiddlers Folly development*

FF8: *Two new bus stops, including lay-by, raised kerb and shelters located on the A1124 within 50 metres of the site entrance*

FF9: *A suitable landscaping plan which provides screening to the existing businesses on Fiddlers Farm and adjacent houses, to include the Grade 2 listed Fiddlers Farmhouse, all of which border and limit any expansion of the site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained*

FF10: *A scheme demonstrating that appropriate surface water drainage is provided within the site*

FF11: *Appropriate wiring to be installed within each property to provide for charging for electric cars/vehicles*

FF12: *Ducting to be installed to every new house on the site for the provision of either copper or fibre superfast broadband*

FF13: *All the new dwellings on the site should have the potential for the installation of sustainable battery pods that stores energy from renewable sources*

16.20 In conclusion, the proposed residential development of land off Halstead Road, Eight Ash Green is allocated in the Eight Ash Green Neighbourhood Plan (EAG NP) which can be afforded sufficient weight in the determination of this application due to its advanced stage. It is considered that the

principle of development in Eight Ash Green in the relevant policies of the Emerging Local Plan are compliant with the Framework and can also be afforded sufficient weight in the determination of this application. The Planning Policy team have confirmed that they support the general principle of development on this site, although specific details should be addressed through advice from specialists and conform with policies in both the emerging Local Plan and the Eight Ash Green Neighbourhood Plan. The final Examiner's Report may propose some amendments to the policies in the EAG NP, which will need to be taken into account as part of the current application; this can be achieved via amendment and/or conditions as necessary.

Landscape Impact:

- 16.21 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.
- 16.22 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA identifies key landscape and visual principles to be taken into account when developing the proposals:
- Creation of a large area of public open space running through the centre of the Site with pedestrian links across the Site, providing informal recreation opportunities;
 - Creation of a new children's play area, providing recreation opportunities for the new and existing communities;
 - Creation of a pedestrian link to the existing network of public rights of way to the south of the Site;
 - A 15-metre buffer from the Ancient Woodland to the north-west of the Site;
 - Retention and reinforcement of the existing landscape framework of field boundary hedgerows; and
 - Substantial new planting within the public open space and the internal streets and plot frontages of the development.
- 16.23 The LVIA states that that 'the majority of existing landscape features on the Site will be retained in the development proposals. The proposals include a new area of public open space running through the centre of the Site, which together with native tree planting, new hedgerow planting and the woodland buffer will contribute to enhancing the local landscape character and ensuring the wider countryside and its character are respected', concluding with 'the assessment found that the Site is capable of accommodating development in line with the principles set out in Section 5 and on the accompanying Development Framework Plan, without resulting in material harm to the surrounding countryside's landscape character and views from the wider area'.

- 16.24 The Council's Landscape Officer has considered the LVIA and has not raised any issues in respect of the principles identified. The Landscape Officer has however commented that the site is outside the settlement boundary of Eight Ash Green and could be considered to fail to conserve and enhance the existing rural character of the site. Whilst development on any greenfield site would undoubtedly have an impact on landscape character, it is necessary to consider whether this impact would result in any material harm. The National Planning Policy Framework (the Framework) makes specific reference to protecting and enhancing 'valued landscapes' with distinctive defining characteristics (which may include landscapes with a statutory status such as an Area of Outstanding Natural Beauty), which has been a principle consideration at appeal. The application site is not within a 'valued landscape' so the level of harm to be considered would be upon the general rural character of the area rather than a wider landscape character. It could be argued that this harm would result from the development of any greenfield site. In respect of the rural character, the site has been allocated for development in the Eight Ash Green Neighbourhood Plan, having first undergone a selection process that considered visual impact and impact on the character of Eight Ash Green Village. The Planning Policy position with regards to the Neighbourhood Plan is set out above, but essentially, the principle of development at this site is established and a change in character of the site is accepted. The impact of development on rural character would need to be considered as part of the overall planning balance.
- 16.25 With regards to the proposed access points having an impact on the existing field boundary hedgerows, as a site allocated for development it has to be accepted that the site would need to be accessed from the road. Some impact on the hedgerow boundaries would therefore be inevitable. As an Outline application, details of site layout and landscaping would be established at a later date under Reserved Matters submissions so suitable mitigation (e.g. a scheme to minimise impact, along with compensatory planting) would be secured at a later stage in the planning process. Similarly, the impact upon trees on site would be established at Reserved Matters stage once layout is put forward, although the submitted Development Framework plan indicates a buffer to the existing woodland, as well as significant landscaping and open space through the centre of the site so there are no fundamental concerns that would prevent an approval of Outline planning permission in this case.
- 16.26 The classification of the site as Grade 2 agricultural land also requires assessment. The Council does not have an adopted policy that specifically relates to agricultural land classification, but Paragraph 170 of the Framework expects planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land. In practice this would mean that, within grades 1, 2 and 3a agricultural land, when determining planning applications, and where there is a choice, development should be directed to the lowest possible classification. Caselaw has generally established that the loss of higher-grade land to

housing development may sometimes be countenanced on appeal by the fact that the fact that most of the land in the area was of high quality (i.e. there is no choice available).

- 16.27 The land comprising the application site is classified by Defra as Grade 2 agricultural land, although the submitted Soils and Agricultural Quality of Land Report demonstrates that the quality of the land varies from grade 2 to grade 3a. The remainder of Eight Ash Green, as well as the surrounding area is also classified as grade 2, with some 'pockets' of Grade 3 agricultural land. Given that both grade 2 and grade 3 land is regarded as 'best and most versatile agricultural land' in national policy terms it is considered that there is no opportunity to direct development to land in the vicinity that falls below this quality. The proposal is therefore considered to be acceptable in terms of its impact upon agricultural land having taken into account wider matters.

Highway Matters:

- 16.28 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements).
- 16.29 In terms of sustainability, the site is well-located in relation to services and facilities for a village/rural location: a primary school, petrol station and shop; general store; and hairdresser, all within acceptable walking distance. There are also bus stops in close proximity to the site which would provide public transport to services and facilities that are further afield without the need to rely on private car. The Framework states, at paragraph 78, that housing should be located 'where it will enhance or maintain the vitality of rural communities'; additional housing in this location is considered to support existing services and facilities within the village (not just those in the immediate vicinity of the site).
- 16.30 Impact on the highway network has been considered by both the Highway Authority and Highways England who have confirmed that they have no objection to the proposed development, having considered the Transport Assessment subject to conditions. For information, the submitted Transport Assessment has assessed the following:
- A review of accident data within a study area on the wider highway network has been undertaken for the most recent five years available at the time of the request. There were 46 recorded accidents within the search area. 38 of the accidents were classified as 'slight' while 8 were classified 'serious'. Given that all of the accidents appeared to be attributable to human error there is nothing to suggest that highway condition, layout or design were contributory factors. It is

therefore concluded that there are no deficiencies in the highway network, or existing safety issues in the vicinity of the site, that would be exacerbated by the development proposals.

- It is proposed that vehicular access would be provided from two new priority-controlled junctions, one being located to the north of the site on Fiddlers Hill, and the other being located to the south of the site on Halstead Road. The two accesses would include 2.0m footways into the site; these would be integrated into existing footways located on Fiddlers Hill (by extending the footway on to the east of the site across the site frontage) and Halstead Road (tying directly into the footway on the northern verge).
- It has been demonstrated that visibility from the site accesses can be achieved in accordance with prevailing observed 85th percentile speeds on Fiddlers Hill and Halstead Road. Notwithstanding this, the applicant would be willing to provide a financial contribution towards the extension of existing 30mph speed limits located on Fiddlers Hill and Halstead Road to include the entirety of the site frontages.
- Pedestrian and cycle access to the development would be enhanced by the provision of dedicated connections located in the north-western and north-eastern corners, and to the south-western frontage of the site. These points are located adjacent to existing pedestrian infrastructure/ the PROWs network and as such would promote walking as leisure activity and/or means of travel.
- An assessment has been undertaken of the site's level of accessibility by sustainable modes, from which it can be concluded that realistic options exist for access to local amenities, education, and employment opportunities on foot, by cycle, and by public transport.
- CBC's Settlement Boundary Review (July – 2016), which forms part of the evidence base for the new Local Plan, also considers the location of the application site within the settlement of Eight Ash Green to be sustainable stating, in addition to this, that the village is 'reasonably well served by facilities' before listing the various amenities available. In the same document it says of the site (RNW67) that 'it would be well located to other key facilities i.e. the primary school'.
- It is proposed that occupiers of the proposed development would be made aware of the options available for sustainable modes of travel through the site's Travel Plan and also through Welcome Packs provided to residents at the development. The Welcome Packs would not only highlight the location of nearby services and how these are accessible on foot, cycle or public transport but also the distance and likely travel time to such destinations.
- An impact assessment has been undertaken on the wider highway network, indicating that the development would generate a negligible proportion of new trips at the A12/A1124 junction. Junction capacity assessments have been undertaken at the proposed site access and at Wood Lane/A1124 Halstead Road and Spring Lane/A1124 Halstead Road/Blind Lane. The results of capacity assessments undertaken on junctions on the local highway network indicate that

the development proposals would have an overall negligible impact on the local highway network.

- 16.31 Matters of parking and road layout would be considered under Reserved Matters.

Contamination:

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

- 16.33 A Geoenvironmental Assessment (GA) has been submitted in support of the application. The Council's Contaminated Land Officer has considered the submission and concluded that no potential sources of contaminative risk have been identified. It is noted that further risk assessment has been recommended in the GA, including intrusive site investigations and this would be required to be submitted via condition. Conditions would be required for site characterisation, remediation, and procedure to follow should any unexpected contamination be encountered. The site can, therefore, be made suitable for the proposed development taking into account risks of contamination.

Flood Risk and Drainage:

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

- 16.35 The site is located within Flood Zone 1 which means that there is a low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. The Environment Agency Long-Term Flood Risk information shows limited instances of flood risk from surface water and where these instances do occur they are also recorded as being low risk.

- 16.36 The submitted Flood Risk Assessment (FRA) concludes:
- The FRA has identified that the site lies in an area of Zone 1 Flood Risk. The Sequential and Exception Tests do not therefore apply.
 - There are no water bodies which present a source of risk to the development. Development levels will be set to ensure any flows within the minor on site ditch systems do not impact on the development.
 - Geoenvironmental assessment work has established that ground conditions are unlikely to prove suitable for an infiltration-based drainage solution. On this basis it is proposed to connect surface water drainage to the Anglian Water surface water sewer in Fiddler's

Hill road with flows limited to greenfield run off rates thus mimicking existing run off in accordance with the Framework.

- The proposed piped drainage systems will be designed to contain flows from, at minimum, a 1 in 30-year event and will discharge into an attenuation basin located within the north west corner of the site prior to outfalling via a flow control structure. The piped systems within the development will be put forward for adoption by Anglian Water under a Section 104 agreement and Anglian Water will therefore become responsible for their long-term maintenance. Subject to negotiation with Anglian Water, the attenuation basin, control structure and outfall connection could also be adopted or alternatively become the responsibility of the management company set up for the development. Overall flows will be contained on site up to the 1 in 100 year plus 30% climate change event.
- Where required, land drainage systems will be introduced to pick up any residual land drainage and direct flows safely around or through the development.
- It is therefore concluded that this FRA has demonstrated in accordance with the Framework that the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate.

16.37 The Environment Agency have not commented on the application, but Essex County Council, as Lead Local Flood Authority, have agreed to the Surface Water Drainage Scheme concept and have recommended conditions to secure detailed proposals. In terms of foul drainage and sewers, Anglian Water have confirmed that there is available capacity for the development.

16.38 Development of the site is not, therefore, at risk of flooding and would not pose a risk to flooding elsewhere, subject to conditions.

Ecology:

16.39 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. 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.

16.40 An Ecological Impact Assessment (EclA) has been submitted with the application. The EclA establishes the baseline ecological conditions at the site; identifies the likely effects of the proposed development; sets out ecological mitigation and enhancement measures as necessary; identifies

any compensation measures required to offset residual impacts; and provides information with which to determine whether the proposal accords with relevant nature conservation policies and legislation.

- 16.41 The impact upon statutory designations has been considered, namely impacts on Abberton Reservoir as a Ramsar. The EclA acknowledges that the proposed development has the potential to increase visitor numbers to the reservoir visitor centre, although this is likely to be in low numbers given the distance from the site. Any visitors to the reservoir are only granted access to a small part of the reservoir, so the majority of the designation would remain unaffected. The proposed development is not, therefore, anticipated to have a significant adverse effect on Abberton Reservoir.
- 16.42 In respect of non-statutory designations, the adjacent Fiddler's Wood is of relevance as a Local Wildlife Site; this is a semi-natural woodland within which are a number of public footpaths. The proposed development is likely to have an impact on the woodland during the construction phase, as well as post-occupation with increased recreational use from residents, as well as increased artificial lighting. Mitigation is therefore required in the form of a 15m (minimum) buffer to the southern boundary of the woodland, along with protective fencing. In addition, properties along the woodland edge should face the woodland in order to reduce the risk of dumping of garden waste into the woodland. The on-site open space to be provided would also reduce the need for residents to access the woodland for recreation. On-site dog mess bins would be provided to encourage responsible behaviour from dog-walkers. Local residents would be provided with a leaflet to set out the importance of Fiddler's Wood as a local wildlife site, along with information on reduction impacts whilst visiting the woodland. The proposed mitigation measures will minimise the impacts on Fiddler's Wood.
- 16.43 Direct impacts on the site itself would be the permanent loss of the grassland and scrub currently on site, although the proposal would include a large area of open space which would present opportunities for enhancement measures by way of planting. The boundary hedgerows would be affected at the access points to the site as sections of the hedgerows would need to be removed, although this would be kept to a minimum and supplementary planting can be provided where necessary.
- 16.44 The loss of grassland and some hedgerow habitat could reduce foraging opportunity for bats and the introduction of artificial lighting could cause disturbance. Mitigation measures include the woodland buffer and a sensitive lighting scheme, as well as additional planting as part of the open space and general landscaping of the site.
- 16.45 No badger setts have been identified on site, but there are setts in the nearby Fiddler's Wood. There is, therefore, potential for badgers to use the application site for foraging and dispersal. Mitigation is necessary during the construction phase to ensure that badgers using the site are not harmed; steep sided excavations will need to have ramps or a means of escape, and open-ended pipework would need to be capped off over-night. The woodland buffer would reduce the potential for disturbance. The EclA also

states that foraging opportunities would be provided within the open space in the centre of the site which would be connected to Fiddler's Wood via a green corridor. Similar provision is made for hedgehogs, with the addition of holes at the bases of garden fences to enable free movement and foraging opportunities.

- 16.46 There is no confirmation of the presence of Dormice at the site or in adjacent woodland, although the EclA proposes mitigation and enhancement measures as a precautionary measure; this includes erecting dormice nest boxes at the dense boundary habitats at the site.
- 16.47 The EclA also make provision for Harvest Mice, birds, and reptiles proposing management of the site pre-construction, and a timetable for vegetation clearance outside any bird nesting period. The impact on amphibians is considered to be minimal given the low-quality habitat on site.
- 16.48 Further enhancement measures proposed in the EclA include a planting scheme of known wildlife value, SUDs features to create additional wet grassland and reed areas, the installation of bat and bird boxes, and the creation of log piles.
- 16.49 The submitted Ecology Addendum provided details of surveys for bats, dormice, reptiles, and great crested newts, confirming that no further mitigation measures other than those proposed in the EclA are required.
- 16.50 Essex Wildlife Trust have assessed the proposals and the accompanying EclA and have confirmed that the proposed mitigation measures are essential in order to minimise the impacts on species and habitats. Taking this into account it is considered necessary to condition an Ecological Mitigation and Enhancement Plan to be submitted in order to secure the mitigation and enhancement proposal set out in the EclA. On this basis, the proposed development is not considered to have a significant adverse impact on ecology.

RAMS Mitigation

- 16.51 A further point to consider is the impact of the proposal upon European designated sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The whole of Colchester Borough is within the zone of influence (ZoI) of relevant sites as identified and set out in the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) and the proposal is thus subject to Appropriate Assessment (AA) under the Habitats Regulations. An AA has been carried out and concludes that the proposal, being for 150 dwellings, is likely to have a significant effect upon the interest features of Habitat sites [Colne Estuary SPA and Ramsar site, Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site (south shore) and Essex Estuaries SAC] through increased recreational pressure, when considered either alone or in-combination with other plans and projects.

16.52 The AA considered the following mitigation measures to be necessary:

On-site measures:

- 3.9ha of formal and informal public open space, equating to over 45% of the site area. This is in excess of the minimum figure (1.84ha) advised by Natural England to offset associated disturbance.

Off-site measures:

- A monetary contribution can be secured in accordance with the Essex Coast RAMS.

16.53 Natural England have been consulted on the application and they have agreed with the mitigation deemed necessary in order to address impacts on the designated sites.

16.54 On the basis of the above, the proposal is considered to be capable of satisfactorily mitigating the impact of the development upon ecology.

Heritage:

16.55 The main conservation issue raised by this application is the effect that the proposed development would have on the setting of nearby listed buildings, most notably Fiddler's Farmhouse (grade II) which is located to the north west of the application site.

16.56 There is a statutory requirement for planning applications to be determined in accordance with development plan policies unless material consideration indicate otherwise. In terms of built heritage, Core Strategy Policy ENV1 and Development Plan Policy DP14 are the most relevant. Both policies seek to protect the heritage assets. Development Plan Policy DP14 makes it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains. However, as this policy does not contain a balancing mechanism to allow the public benefits identified to be weighed in the 'planning balance' against the wider indirect harm identified to setting, it is out of date with the Framework and consequently must be afforded lesser weight.

16.57 The National Planning Policy Framework (the Framework) is also a material planning consideration. A Core Principle of the Framework is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

16.58 Paragraph 189 of the Framework requires the applicant to describe the significance of any heritage asset that may be affected by a proposed development, including any contribution made to their setting. In determining planning applications, paragraph 192 of the Framework includes a requirement for local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. Furthermore, paragraph 193 of the Framework states 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. Paragraph 194 makes it clear that any harm to, or loss, of the significance of a designated heritage asset should require clear and convincing justification. Levels of harm are described as substantial harm (or total loss of significance of) or less than substantial harm.

- 16.59 Paragraph 196 of the Framework states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. “
- 16.60 The Built Heritage Statement (BHS) submitted in support of the application provides a description of the site and its environs (including identification of affected heritage assets), the policy context for the assessment of development proposals affecting heritage assets and seeks to explain the impact that the proposed development would have on the identified heritage assets.
- 16.61 The BHS states that the significance of Fiddler's Farmhouse is derived primarily from its “architectural and historical special interest within its fabric and form and that this includes an aesthetic value as an attractive, vernacular-style, rural dwelling”. The report also explains that the environment surrounding the farmhouse, which includes the application site, makes a contribution to the significance of the farmhouse. This is due to the historical connection between the farmhouse and the agricultural context and the wider rural context in which the heritage asset has always existed. The submitted BHS therefore accepts that the existing setting of the Fiddlers Farmhouse contributes to the significance of this listed building.
- 16.62 The BHS explains that the proposed development will change the wider setting of the Fiddlers Farmhouse and that this is will have a detrimental impact upon the overall significance of the heritage asset. The BHS concludes that the harm caused to the setting of the listed farmhouse would constitute less than substantial harm (see paragraph 196 of the Framework above).
- 16.63 The application site is an open area of undeveloped land which both physically and visually separates the developed edges of Eight Ash Green from Fiddlers Farmhouse. This separation is enhanced by the open land to the north and by Fiddler's Wood to the west. The commercial buildings to the south of the site, have the appearance of former agricultural buildings and, as such, do not diminish the overall rural character of the farmhouse's setting. The open rural nature of site not only performs the function of creating an obvious pastoral character and setting to the village but also provides the setting through which Fiddlers Farm is experienced.
- 16.64 The proposed development would introduce new-build development in the countryside. The Council's Heritage advice is that developing the site in the scale and manner proposed would seriously erode the physical and visual

separation between Eight Ash Green and Fiddler's Farmhouse which would fundamentally change the character of the site and hence the setting of Fiddlers Farmhouse. As the Framework makes clear, significance derives not only from a heritage asset's physical presence but also from its setting. The open aspect of the application site provides a convincing rural countryside setting to Fiddlers Farm and its significance would be diminished by the creation of a modern suburban estate development. It is however agreed that the harm caused would be less than substantial harm rather than substantial harm.

- 16.65 The application does not include much in the way of justification for the harm to the setting of Fiddler's Farmhouse. The BHS does set out some public benefits that include the provision of housing (both private and affordable), economic benefits (including possible job creation), the provision of public open space and environmental enhancement. This would need to be assessed in the planning balance as to whether the public benefits of the scheme outweigh the less than substantial harm identified.
- 16.66 The BHS does explain mitigation measures, including setting the development back from the north-western boundary of the application site, as well as additional tree planting to mitigate the impact of the development on the setting of the listed building. The field adjacent to the listed building is currently indicated to comprise attenuation ponds and this would mean that the existing character of this field would change being currently agricultural. The area immediately adjacent the listed building would, however, remain free of built development so the 'openness' would be retained.
- 16.67 The site has been allocated for development as part of the Eight Ash Green Neighbourhood Plan (NP) having first been subject to a site selection process which included a strategic environmental assessment that acknowledged that the NP includes a policy (Her 1) the provides for mitigating the impact upon heritage assets, protecting and, where possible, enhancing assets. The Examination has confirmed that this policy is in general conformity with the Framework and Core Strategy Policy ENV1.
- 16.68 The principle of development in this location, in the vicinity of Fiddler's Farmhouse, is established by the NP. By introducing development that affects the setting of the farmhouse, the proposal would represent less than substantial harm that would need to be considered as part of the overall planning balance. Mitigation of this impact could be sought through the detailed site layout as part of the reserved matters application.
- 16.69 In terms of archaeology, the Archaeological Desk-Based Assessment submitted has acknowledged that there is recorded evidence of cropmarks representing a possible ring ditch and part of a rectangular enclosure on or adjacent to the site. This leads to the conclusion that the site has potential for archaeological evidence of importance. A Geophysical Survey has been carried out on site and the Council's Archaeological Adviser has confirmed that the survey is adequate. There is no objection to developing the site

subject to further archaeological investigation being carried out; this can be secured by condition.

Amenity:

- 16.70 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 16.71 In general terms, the proposal is unlikely to have a significant impact upon neighbouring properties, provided that the layout at reserved matters stage is respectful in terms of back-to-back distances and privacy. Satisfactory levels of amenity would also need to be achieved within the development and this would also be assessed at Reserved Matters stage.
- 16.72 The Council's Environmental Protection team have identified that there would be impacts upon future residents by way of noise and disturbance from the existing business units, as well as traffic noise, in certain parts of the site. Mitigation measures (e.g. sound attenuation, layout and design solutions) are therefore necessary and these can be secured via condition.
- 16.73 The site does not lie within an existing Air Quality Management Area (AQMA), but the impact of the proposed development upon air quality has been considered by the Applicant in consultation with Environmental Protection. A review was carried out and submitted with the application as an Air Quality Screening Report. The conclusions of the review was that any effects would not be significant. As per Environmental Protection consultation comments, it is considered necessary to secure measures to mitigate the impact upon air quality, specifically with the introduction of car electric charging points. This can be achieved via condition.

Design and Layout:

- 16.74 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.
- 16.75 The application is for outline planning permission and all matters of layout, appearance, and landscaping do not form part of this application and will be submitted and agreed under the reserved matters application. The access arrangements submitted do form part of the application and consist of vehicular access points to the north and south of the site, as well as pedestrian access points to existing footways (providing access to the school, as well as the wider village). The access arrangements are considered to be acceptable.
- 16.76 Whilst the design and layout of the proposed development is a matter for the Reserved Matters application, it is beholden on an applicant to show how a given number of units could be accommodated on site. The average

density of the proposed development would be 36 dwellings per hectare (dph), with the housing mix being a range of house types, sizes, and tenures. This is considered to be achievable having considered the Development Framework plan provided and the analysis of the site (set out in the submitted Design and Access Statement). The Council's Urban Designer does not agree that the proposed development is achievable, but the Design and Access statement provides indicative layouts that set out character areas that do not raise any immediate concerns. Detailed proposals would need to be submitted as part of the Reserved Matters and would need to adhere to adopted planning policy.

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 emerging Local Plan and Eight Ash Green Neighbourhood Plan but is contrary to the adopted Local Plan as the site is outside the settlement boundary of Eight Ash Green. 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 achieve the number of dwellings required to support growth in Eight Ash Green (as set out in the Colchester Borough Council Objective Assessment of Housing Need) 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 reliant on private car, being able to walk or use public transport to access necessary services and facilities, thereby minimising environmental impacts; ecological enhancements can also be secured as part of the development. There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network. Whilst the proposed development would have an impact on the existing character of the site (i.e. by introducing built development where there is none currently) and would result in less than substantial harm on the setting of a heritage asset (Fiddler's Farm) through a general suburbanising effect on the wider setting, which weigh against the proposal, the positive economic and social effects, as well as the sustainability of the proposal would weigh in favour of this scheme and could reasonably be judged to outweigh the shortcomings identified given the weight afforded to the supply of new homes in the Framework and the possible design

mitigation that could be secured as part of any future reserved matters application.

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

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

Delegated authority for the negotiation of any amendments as a result of the Examiner's final report on the Eight Ash Green Neighbourhood Plan and, subject to the successful outcome of these amendments, APPROVAL of Outline 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. 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 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. Approved Drawings

The drawings hereby approved as part of this application are Site Location Plan CSA/3121/113 and Proposed Site Access Strategy P16089-001G.

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

5. Locally Equipped Area of Play (LEAP)

The reserved matters application shall make provision for at least 10% of the site area being laid out for use as amenity open space, as well making provision for a Locally Equipped Area for Play (LEAP) within the site.

Reason: In the interests of sustainable development and in order to ensure that the development provides an adequate provision of open space(s) that are usable for public enjoyment.

6. Acoustic Assessment and Mitigation Report

The reserved matters shall include a detailed acoustic assessment and mitigation report which shall have first been submitted to and agreed in writing with the Local Planning Authority. The detailed report shall provide details of the noise exposure at the facade of proposed residential dwellings, internal noise levels in habitable rooms and noise levels in all associated amenity spaces.

The detailed assessment shall fully assess mitigated noise from the premises identified as AAAR in chapter 4 of the Wardell Armstrong titled, 'Gladman Developments LTD, Halstead road, Eight Ash Green, Noise Assessment Report. Issued May 2017. Report Number LE13781.

The design and layout of the development shall avoid, as far as practicable, exposure of habitable rooms to noise levels to above the following criteria

- 60dBLAeq16hours (Daytime outside)
- 55dBLAeq8hours (night outside)

Acoustic barriers, Site design (including building orientation) and internal layout of dwellings shall be used to minimise noise exposure to habitable rooms and reduce the need to rely on closed windows as far as practicable.

Where exposure to noise levels exceeds those stated above full details of acoustic glazing and suitable mechanical ventilation options that demonstrate that internal noise levels do not exceed the internal noise levels stated in Table 4, paragraph 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings shall be submitted as part of the reserved matters. This includes details of any mechanical ventilation operating where required.

Where the facade noise levels outside of habitable rooms are less than those stated above but exceed the internal noise levels stated in Table 4, paragraph 7.7.2 of BS8233:2014 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided.

Noise levels in external amenity spaces shall not exceed 55dBLAeq 16hours.

Reason: In the interests of the living standards of future occupants.

7. Tree and Hedgerow Protection

The reserved matters shall include an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837. Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

8. Tree Canopy Hand Excavation

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

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

9. Limits to Hours of Work

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

Weekdays: 0800-1800

Saturdays: 0800-1300

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.

10. Vehicle Electric Charging Points

Each residential property shall be provided with 1 No. EV charging point for vehicles. The EV charging point shall be installed prior to the first occupation of the residential property.

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

11. Construction Traffic Management Plan

Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

Reason: To protect highway efficiency of movement and safety.

12. Archaeology

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

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.

- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

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

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

13. Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place, other than archaeological investigation, until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

14. Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place, other than archaeological investigation, 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

15. Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than archaeological investigation and works required to carry out any remediation of contamination, 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.

16. Ecological Mitigation and Enhancement Plan

No development shall commence, until an Ecological Mitigation and Enhancement Plan (EMEP), including an implementation timetable, has been submitted to, and approved in writing by, the Local Planning Authority. The EMEP shall provide specific details on the mitigation and enhancement measures set out in the CSA environmental Ecological Impact Assessment (Report No. CSA/3121/04) and the CSA environmental Ecology Addendum (ref: 3121_05). The approved EMEP shall thereafter be implemented as approved.

Reason: In the interests of mitigating the impact of the development on ecology and in order to secure ecological enhancements.

17. SUDs

No works shall take place, other than archaeological investigation and works required to carry out any remediation of contamination, until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in

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

- Infiltration and groundwater testing in line with BRE 365. If infiltration is demonstrated to be unfeasible, discharge rates from the site should be limited to the 1 in 1 greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. A detailed assessment should be submitted for the calculation of the 1 in 1 greenfield rate. If any greenfield run-off is going to be contained on site, it must be demonstrated that there are suitable mitigation measures in place and any flooding is appropriately managed.
- 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. Provision in storage should also be made for the effect of urban creep.
- Final modelling and calculations for all areas of the drainage system.
- More information on the existing catchments on site. It must be demonstrated that discharge of surface water is following the natural drainage regime and discharging surface water to any particular outfalls is not increasing flood risk off site.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy

Reason: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

18. Surface Water Drainage during Construction

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

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

19. SUDs Management and Maintenance

No works shall take place, other than archaeological investigation and works required to carry out any remediation of contamination, until a Surface Water Drainage Management and 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. Further, 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.

20. Highway Works

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

- a) A priority junction off either Halstead Road or Fiddlers Hill to provide access to the proposal site as shown on drawing P16089-001G (Proposed Site Access Strategy)
- b) Upgrade to current Essex County Council specification, the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- c) A minimum 2 metre wide footway along both sections of the proposal site's Halstead Road frontage.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport.

21. Travel Plan

No part of the proposed development shall be brought into beneficial use or occupation until a package of measures to promote the use of sustainable modes of travel, including the content of a Residential Travel Plan (with Travel Plan Co-Ordinator) for the site, has been agreed in writing by the Local Planning Authority in consultation with the Local and Strategic Highway Authorities. This should include:

- Residential Travel Information Packs
- Details of improvements to pedestrian and cycle links between the site and Colchester town centre, to be agreed in writing with the Local Planning Authority;
- Details of a Travel Plan, including targets, measures to be adopted, an implementation mechanism, a monitoring regime and fall-back measures if targets are not being met, all to be agreed in writing with the Local Planning Authority; and
- Agreed thresholds and timescales for the implementation of the pedestrian, cycle and bus service measures and the Travel Plan.

Reason: To ensure that the Strategic Road Network can continue to operate as part of the national system of routes for through traffic and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

22. Validation Certificate*

Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 13.

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

23. Contaminated Land Part 4 of 4 (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 and, where remediation is necessary, a remediation scheme must be prepared 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.

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

19.0 Informatives

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. Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application

for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. Informative on Any Application With a Site Notice

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

4. 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-planningprocess>

5. Drawing NOT Approved

The Developer is advised that, in response to the submitted Development Framework Plan (CSA/3121/111 Rev E) the following areas need to be addressed as part of the development concept:

- The Locally Equipped Area of Play (LEAP) needs to be centrally located within the site and easily accessible by foot (i.e. not dissected by roads);
- The relationship between the area of open space and the proposed 'HGV route' needs to be arranged in such a way to ensure that the open space is readily accessible and usable as an area of public amenity space.