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Item No: 7.1

Application: 213086

Applicant: Mr Peter O'donnell

Agent: Dr Jeremy Harrall

Proposal: A proposed rural exceptions site of seven homes (resubmission of 201984)

Location: Land south of Copford Village Hall, School Road, Copford, Colchester

Ward: Marks Tey & Layer

Officer: Eleanor Moss

Recommendation: Approval subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is considered expedient for the purposes of transparency, for this application to be considered in a public forum.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of a rural exception scheme on this site, the design and layout, impacts upon ecology, highways, flood risk and landscape. Matters of contamination, amenity, and archaeology are also considered, along with other material planning considerations.
- 2.2 The proposed development has been assessed in line with both the adopted Local Plan (Sections 1 and 2) and the emerging Copford Neighbourhood Plan (which currently attracts limited weight), with the benefit of consultation responses and representations from third parties. Consideration of the planning benefits of the proposed development has resulted in a balanced judgement which concludes that the benefits of the scheme, in particular the affordable housing provision outweigh any adverse impacts identified and the application is subsequently recommended for approval subject to a number of planning conditions, together with a s106 agreement securing developer contributions/obligations.

3.0 Site Description and Context

- 3.1 The application site is located to the eastern side of School Road, Copford and comprises a part of an arable field between Copford Village Hall and 97 School Road, the southern end of a terrace of houses. Opposite the application site to the west of the site are residential properties and to the east is open countryside.
- 3.2 The published Housing Needs Survey for Copford and Easthorpe identifies a need for 8 affordable dwellings to meet the local affordable housing needs. The quantum of affordable homes (5) shown on the submitted plans therefore not does fully meet the identified local affordable housing need, however a substantial portion of the identified need is accommodated. As the application proposes to contribute towards the identified local affordable housing need for Copford consultation has been undertaken with the Parish Council to ensure that the Parish is supportive of the principle of the scheme, in line with Local Plan Section 2 Policy DM8. The comments from the Parish Council are provided at 9.1

4.0 Description of the Proposal

- 4.1 A proposed rural exceptions site of five affordable dwellings and two open market dwellings.

5.0 Land Use Allocation

5.1 Countryside/arable field.

6.0 Relevant Planning History

6.1 A previous application 201984 has been submitted for a Rural Exception Scheme, which was subsequently withdrawn.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

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

- SG1 Colchester's Spatial Strategy
- SG2 Housing Delivery
- SG7 Infrastructure Delivery and Impact Mitigation
- SG8 Neighbourhood Plan
- ENV1 Environment
- ENV5 Pollution and Contaminated Land
- CC1 Climate Change
- PP1 Generic Infrastructure and Mitigation Requirements
- OV1 Development in Other Villages
- OV2 Countryside
- DM1 Health and Wellbeing
- DM2 Community Facilities
- DM4 Sports Provision
- DM8 Affordable Housing
- DM9 Development Density

- DM10 Housing Diversity
 - DM12 Housing Standards
 - DM15 Design and Amenity
 - DM16 Historic Environment
 - DM19 Private Amenity Space
 - DM20 Promoting Sustainable Transport and Changing Travel Behaviour
 - DM21 Sustainable Access to development
 - DM22 Parking
 - DM23 Flood Risk and Water Management
 - DM24 Sustainable Urban Drainage Systems
 - DM25 Renewable Energy, Water Waste and Recycling
- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision making process:
- SS4 Copford
- 7.5 There is an emerging Neighbourhood Plan for Copford. This is currently at examination and therefore limited weight is attached to this. If the Examiner’s Report concludes the Copford Neighbourhood Plan can proceed to referendum then further weight can be attached.
- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
- The Essex Design Guide
 - External Materials in New Developments
 - EPOA Vehicle Parking Standards
 - Backland and Infill
 - Affordable Housing
 - Community Facilities
 - Open Space, Sport and Recreation
 - Sustainable Construction

8.0 Consultations

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

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

The site lies outside the settlement boundary and is unallocated, it is therefore subject to Core Policy ENV1. The requirements of policy ENV1 is largely in accordance with paragraph 170 of the NPPF and therefore weight can be given to this policy. 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 ... controlled to conserve the environmental assets and open character of the Borough'. The issue of open character is important as it confirms the importance of the unbuilt countryside as a resource in its own right, irrespective of quality or value.

The site lies within Colchester Borough Landscape Character Assessment Area B2, the Easthorpe Farmland Plateau (CBLCA B2), this describes the character of the landscape in detail and identifies characteristic(s) of the Area shared by the site as 'Settlement pattern consists of small villages and hamlets with scattered farmsteads amongst predominantly arable agricultural land'. It goes on to set landscape strategy objective(s) to 'conserve and enhance' the landscape character of the Area. Finally, it gives landscape planning guideline(s) to 'Conserve the mostly rural character of the area'.

Contrary to the findings of the Landscape & Visual Statement (LVS) the proposal would appear to run contrary to Core Policy ENV1. This as it potentially does not conserve the character of CBLCA B2 in that it fails to 'Conserve the mostly rural character of the area' through the removal of a very visually prominent section of arable field which forms part of the framework of agricultural farmland within which the settlement of Copford sits, and its replacement with urban development. This loss of characteristic 'arable land' is a factor which it would appear, on the face of it, cannot be mitigated against as, although the LVS has guided the proposed scheme so that it is fairly sensitive to 'the mostly rural character of the area', development by its nature changes rather than conserves fully intact that 'rural character'.

8.3 Contaminated Land Officer

Please note that Environmental Protection would expect any such application to be supported by the minimum of a 'Phase 1' Desk Study and initial assessment of contamination risks.

8.4 Environmental Protection – Recommended the following conditions:

- Construction method statement
- Limits to hours of work
- EV charging points

8.5 Urban Designer

These comments are offered notwithstanding the acceptability of the principle of development, which is dependent on wider planning factors.

The application site provides a broadly appropriate opportunity for infill development that reflects the existing ribbon development within the sites immediate context. The proposed layout reflects this characteristic of the surrounding area and mitigates parking prominence by locating parking to the

rear of the site. The proposed built environment adopts a relatively vernacular form. However, the buildings lack substantive detailing and the placement, size, shape and proportions of fenestration are applied inconsistently, resulting in an incohesive appearance. Built environment surrounding the site is somewhat eclectic and as such the lack of architectural quality has a modest impact on the character and quality of the area. There is a lack of detail pertaining to the proposed materials, landscaping and the schemes sustainability credentials, all of which could provide a mechanism for enhancing the proposal.

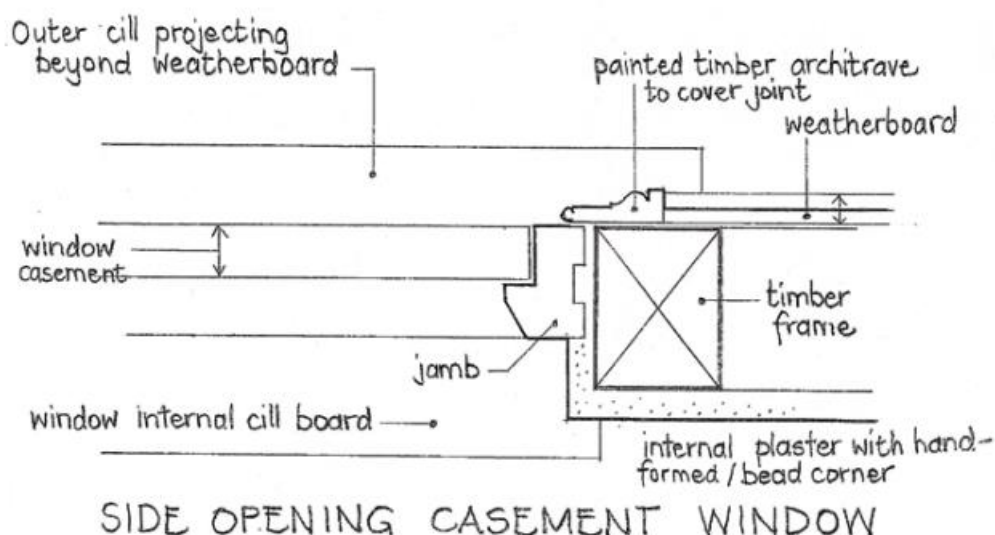
The proposed scheme is certainly not beautiful in the context of the NPPF, however any resulting harm is modest and would need to be balanced against the schemes wider planning merits.

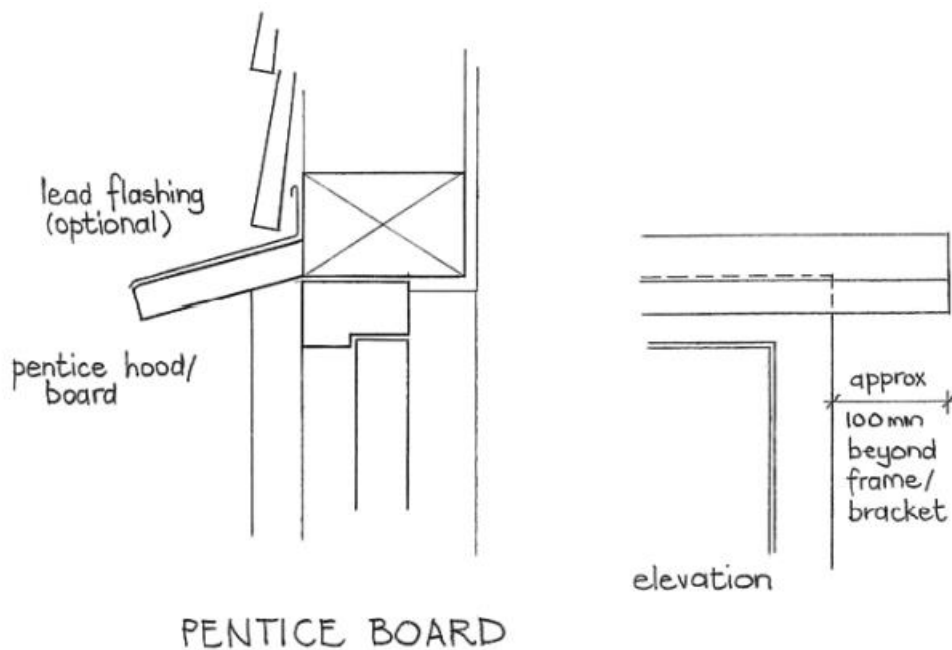
Officer comment: These comments were provided in relation to the initial drawings submitted, since then plans have been revised to address some of these comments.

8.6 Heritage Officer (revised)

The revised drawings broadly reflect my design advice given previously. I note that the external cladding material has also been changed to timber weatherboard. In order to protect the joinery, which should be fitted flush with the leading edge of the cladding to reflect the local vernacular, pentice boards will be needed to be fitted above both windows and doors. Since the design team is not local I offer a typical detail drawing below to clarify what is required:

WINDOW OPENINGS IN WEATHERBOARD PLAN DETAIL 1:5 & RENDER





See Plinth & Lead Flashings for details in render

Further details can be found at www.placeservices.co.uk under their historic buildings guidance.

8.7 Archaeological Advisor

I've looked at the previous correspondence with Rik Hoggett (previous Consultant Archaeological Advisor), and these foundation designs provided by the applicant, and in this case I'm happy to go with Rik's recommendation of a standard archaeological condition on consent to provide for archaeological monitoring of groundworks during construction.

8.8 Highway Officer – recommends the following conditions

- Appropriate access and splays
- No unbound materials
- Refuse collection point
- Details of necessary bridging/piping
- Vehicle and cycle parking to be provided
- Construction management plan
- Footway to be provided
- Travel information packs to be provided
- Speed reduction measures (to be provided by s106 agreement)
- Boundary hedges to be planted behind splays

8.9 Minerals and Waste

The Mineral Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

8.10 Natural England

Consider RAMS to mitigate off site impacts and conduct an HRA/AA.

8.11 North East Essex Badger Group

Having read through the Ecology Report, we confirm that there are no badger setts at the moment on this land. However, there are several located around the site and it should be noted that badgers do forage on this field. Should unfortunately the development go ahead then we would suggest that once work commences, open excavations are covered at night to avoid any foraging badgers becoming trapped.

9.0 **Parish Council Response**

9.1 The Parish Council have stated that:

Copford with Easthorpe Parish Council supports the provision of affordable homes in Copford but wish to be assured that this land remains in perpetuity as affordable housing for Copford residents. A request was made for covenants to be in place to ensure no development can take place behind the proposed development, as was agreed by the applicant. Strong ecological protection is in place for surrounding area and of Pits Wood and any alternative sites are considered. A further request was made that the design reflects the character of the road.

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. 53 objections and 9 letters of support have been received. Letters from Rt Hon. Priti Patel MP setting out the concerns of residents who wrote to her were also received.

10.2 Some of the comments are very detailed and it is beyond the scope of this report to set them all out in full. 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.

- No requirement for additional housing in Copford due to the Local Plan and emerging Neighbourhood Plan
- No evidence of local community support
- Existing parking and traffic concerns which the scheme will only heighten
- Lack of existing infrastructure
- Loss of views
- Loss of countryside
- Loss of arable field
- Harmful impact upon ecology and vegetation
- The proposed design is harmful and out of keeping with the area
- Creates possibility of additional development in the future
- Existing local septic tanks and sewer system are overloaded
- New builds should be on brownfield
- Copford has taken on its fair share of new houses
- New homes should not be built in the countryside

- Impact upon highway and pedestrian safety
- Too close to a school
- Harmful impact upon climate change
- Harmful impact upon the school crossing
- Lack of cycle parking
- Housing Needs Survey is out of date

11.0 Parking Provision

11.1 The proposal provides additional car parking which exceeds the minimum requirements. There is sufficient space on site for all dwellings to have off street parking in accordance with the adopted standards.

12.0 Accessibility

12.1 In this instance, the affordable housing will be required to meet the enhanced accessibility standard of Part M4 cat 2 (Building Regulations 2015) in lieu of lifetime homes, in accordance with the requirements in Local Plan Policy DM12. The Council further request 5% (1 dwellings) for both options is designed to meet Part M4 Cat (3) (2) (a) or Part M4 Cat 3 (2) (b). This is being secured by the S106 agreement.

13.0 Open Space Provisions

13.1 The proposal is not classified as major development and therefore provision of on-site open space is not required, a financial contribution towards the Copford Parish playground is proposed and is secured under the S106 agreement.

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 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team. However, a package of contributions is proposed following discussions which are to be secured via a legal agreement, these are as follows:

- **Community – £13,953.77:** Refurbishment and/ or extension / new build to Copford Village Hall, creating a community hub space for parish council, residents, police, NHS etc. Full costs yet to be gained. Provision of village hall parking facility on site proposed as a non-pecuniary contribution through obligation in agreement.
- **Parks and Recreation - £50,611.77:** Copford Parish Council Playground refurbishment and improvements. Colchester Orbital – Route and Information Signage

- **Highways:** A) Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage shall be extended to a minimum of 2.0m in width from the southern site boundary to the access to the adjacent Village Hall and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.
B) No occupation of the development shall take place until a £15,000.00p index-linked contribution plus an Essex County Council S106 agreement monitoring fee towards speed reduction measures such as but not limited to, village gateway signage aimed at encouraging vehicle speed reduction on the approaches to and throughout School Road and in the vicinity of the proposed development site has been provided, details shall be agreed with the Local Planning Authority prior to commencement of the development. Works conditioned and delivered either as part of the site or by a s278 / s106 Agreement.
- **Housing:** The tenure mix should be no less than 80% affordable rent and no more than 20% shared ownership for the 5 Affordable homes. The affordable housing should meet the enhanced accessibility standard of Part M4 cat 2 (Building Regulations 2015) in lieu of lifetime homes, in accordance with the requirements in DP12 (Development Policies 2014). Council would request 5% (1 dwellings) for both options is designed to meet Part M4 Cat (3) (2) (a) or Part M4 Cat 3 (2) (b). The affordable houses are proposed to be retained for local ownership and rental only.
- **Archaeology - £15,153.00:** For museum quality display case, design and display material for enhancement of the Colchester HER, to integrate the information from the archaeological records.
- **RAMS - 7 x £131.71:** To comply with the Conservation of Habitats and Species Regulations 2017

16.0 Report

Principle

- 16.1 The site is located outside of the Copford settlement boundary as defined by Policy SS4 Local Plan Section 2. The site area is therefore classed as 'countryside'. Development in the countryside, outside settlement boundaries, is permitted by the adopted Local Plan - but only in certain circumstances. Paragraphs 77 and 78 of the NPPF (2021) set out the government's approach to rural housing provision in the form of rural exception sites. Paragraph 77 notes that: 'local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this'. Paragraph 78 notes that such rural housing should be located where it will enhance or maintain the vitality of rural communities.

Therefore, the principle of development for 7 of the dwellings as a rural exception site is acceptable subject to meeting affordable housing requirements and site specific criteria as set out in the adopted Local Plan.

16.2 In line with the NPPF, Section 2 Policy DM8 allows land outside (but adjacent to) settlement boundaries to be released for affordable housing provision. The rural exception requirements in Policy DM8 are set out below:

16.3 *Affordable housing development in villages will be supported on rural exception sites adjacent or continuous to village settlement boundaries or where it will enhance or maintain the vitality of rural communities, provided a local need is demonstrated by the Parish Council on behalf of their residents, based on evidence gained from an approved local housing needs survey. A proportion of market housing which facilitates the provision of significant additional affordable housing may be appropriate on rural exception sites. Information to demonstrate that the market housing is essential to cross-subsidise the delivery of the affordable housing and that the development would not be viable without this cross-subsidy will be required. At the scheme level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site. The number of affordable units and total floorspace on a site should always be greater than the number of open market units or floorspace. The actual number will be determined on local circumstances, evidence of local need and the overall viability of the scheme.*

16.4 This is echoed within Policy OV2 which states:

16.5 *Small scale rural exception sites needed to meet local affordable housing needs will be considered favourably on appropriate sites provided a local need is demonstrated by the Parish Council on behalf of their residents, based on evidence gained from an approved local housing needs survey. Where there is an identified need for certain types of housing, schemes must demonstrate how these needs have been met.*

16.6 The rural exception site (RES) consists of seven properties, of which five are affordable and two are market sale. The affordable homes will be subject to a local lettings policy to be secured by a S106 Agreement, these will only be let to housing register applicants with a local connection or purchased with a local connection, which is protected in perpetuity by the S106 agreement. As can be seen from the representation from the Parish Council, this approach is supported by the Parish. The details of the viability report submitted in support of the scheme does conclude that two market dwellings are required in order to ensure the RES remains viable. The cross-subsidy of open market dwellings remains a smaller proportion of the affordable units. The provision of two open market dwellings would allow delivery of five additional affordable homes and make a greater contribution to meeting local housing needs for affordable housing in accordance with the policy objectives.

16.7 Given the above, the scheme on balance is considered to meet the rural housing scheme requirements as set out in Policies DM8 and OV2.

16.8 Overall, it is therefore considered that the proposed development complies with policies DM8 and OV2 regarding RES development in the countryside. An assessment of policy requirement to “*demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity*” of OV2 is made in the proceeding sections of this report.

16.9 As such, given the local need for affordable housing identified through the Housing Needs Survey, showing a need for eight affordable homes to meet the need arising from Copford, and the challenges regarding the delivery of affordable homes within the City, it is considered that the principle of development for a rural exception scheme is acceptable. The proposal would accord with the NPPF and policies DM8 and OV2 of the adopted Local Plan, subject to all other material considerations being assessed and considered acceptable.

Highway Implications

16.10 Policies DM15, DM20, DM21, and DM22 together seeks to make the best use of the existing highway network, manages demand for road traffic and parking, and provides particular emphasis on enhancing accessibility for sustainable modes of transport.

16.11 In this instance, access is proposed from London Road dissecting the center of the site with the proposed affordable housing units to the north of the access road and the open market units located to the south of the access point. It is acknowledged that a number of objections were received in relation to the impact upon the highway network, impacts upon pedestrian users of the pavement including school children and perceived lack of capacity. Such objections have been very carefully reviewed.

16.12 It is noted that many of the objections that have been received in relation to the proposed development have identified the perceived inadequacy of the local highway network and the problems experienced by motorists at present. A number of objections have highlighted concerns in relation to Copford Primary School, in particular with the school crossing, school pick up and drop off times which contribute to the perceived inadequacy of the local highway network. The concern is that the proposed development would exacerbate current problems and also create highway safety issues. These views are fully acknowledged and appreciated.

16.13 Notwithstanding these concerns the Highway Authority has advised in its consultation response (available to view on file) that the existing highway infrastructure provision would be sufficient to cater for both the existing traffic and that likely to be generated by the development. The Authority's recommendation includes a conditions that ensure sufficient visibility splays are provided and provision of traffic calming measures. The proposed traffic calming measures include a £15,000.00p index-linked contribution plus an Essex County Council S106 agreement monitoring fee towards speed reduction measures such as but not limited to, village gateway signage aimed at encouraging vehicle

speed reduction on the approaches to and throughout School Road and in the vicinity of the proposed development site has been provided.

- 16.14 Objections have been received that concern traffic impact and cycle infrastructure (specifically LTN 1/20 guidance). Cycle parking can be controlled via a planning condition. It is not possible to improve the wider cycle path network under this application given it is not a major application and therefore does not meet the criteria to request funding. In addition, this is not considered necessary or reasonable to mitigate the impact of this minor development.
- 16.15 In terms of traffic impact, paragraph 111 of the NPPF states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Given that the Highway Authority have no objections to the proposed development in terms of transport and highway impact, and that a range of mitigatory measures can be secured, it is concluded that it cannot be demonstrated that the proposed development would have an unacceptable or severe impact on the road network. A refusal on these grounds is not considered to be justified or sustainable at appeal.

Design and Layout

- 16.16 The National Planning Policy Framework (2021) sets out government's planning policies for England and how these are expected to be applied. The framework sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, going on to state that 'good design is a key aspect of sustainable development'. The framework also states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. The framework is supported by a collection of planning practice guidance which includes a National Design Guide. This document seeks to deliver places that are beautiful, enduring and successful by setting out the characteristics of well-designed places and outlining what good design means in practice.
- 16.17 At a local level these policies are carried through and adopted as part of the Colchester City Council Local Plan Section 1 and 2. Relevant policies include policies SP7 and DM15, which seek to secure high quality and inclusive design in all developments and avoid unacceptable impacts on amenity. These policies are supported by more detailed guidance provided supplementary planning documents such as the Essex Design Guide.
- 16.18 In terms of housing density and diversity, policy DM12 require developments to make efficient use of land and relate to their context. A range of housing types and tenures across the City is sought in order to create inclusive and sustainable communities. Policy DM10 also requires a range of housing types and tenures for the same reason. Policy OV2 requires residential development proposals in the countryside, outside defined settlement boundaries, will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity.

- 16.19 The proposed development has been carefully considered in consultation with CCC Urban Design and Heritage Officer, who considered the original design and layout to have shortcomings but these could be overcome and any design harm would be modest. In light of these comments, the scheme has been amended to ensure the dwellings are constructed of natural timber and slate (to be controlled via planning condition) to help ensure the scheme integrates into the street scene a little more successfully than the originally submitted scheme. It is also acknowledged the Landscape Advisor found the scheme to be harmful to the landscape setting. In order to address these concerns, conditions in relation to the soft and hard landscaping have been proposed along with additional landscaping to the boundaries in order to soften the proposal into the area.
- 16.20 The proposed parking court would not be unduly conspicuous and the access road could have a surface treatment more akin to a track to avoid undue prominence if required. While the parking court is very much an urban intervention and highlights the requirement of car reliance in this area, this is located to the rear of the site with any wider views from London Road well screened by the proposed development. The car parking court has been provided due to concerns of car parking capacity at the Village Hall and is proposed for Village Hall use/users. This is weighted in the planning balance section below.
- 16.21 A number of objections were received in relation to the design and layout of the proposal which have been carefully considered. The design and layout is arguably the weakest policy aspect of the scheme. The proposals would introduce dwellings at depth within the site, however the dwellings would be set back from the road and additional landscaping would be added to help mitigate any public views of the site and create a softer edge to the development. Whilst it is agreed the proposals would introduce some landscape harm to the immediate locality, the impacts on the character of the settlement as a whole would be modest. The Landscape Advisor (while noting the landscape harm) does note; *“the LVS has guided the proposed scheme so that it is fairly sensitive to ‘the mostly rural character of the area’, development by its nature changes rather than conserves fully intact that ‘rural character’”*. Any identified landscape harm would be outweighed by the benefits of the scheme which would secure the delivery of much needed affordable housing within the City and specifically affordable housing to meet the identified needs. Overall, it is considered that the proposed development has demonstrated that a scheme could be accommodated that would accord with the Local Plan, albeit on balance.

Residential amenity

- 16.22 Local Plan Policy DM15 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. The proposals have been assessed in consultation with CCC's Environmental Protection Team with regard to any potential land contamination and amenity impacts, who had no objections subject to conditions controlling, construction times and deliveries, submission of a Construction Environmental

Management Plan (CEMP) and electric vehicle (EV) charging points. The Contaminated Land Officer has recommended a Phase 1 Contaminated Land Report be submitted in support of the application. Once received, this will be reviewed and appropriate contamination conditions applied as recommended by the Contaminated Land Officer. Appropriately worded conditions and informatives will be added to the decision notice in this regard.

- 16.23 The revised layout of the proposal is considered to be acceptable, the design and layout of dwellings could be achieved without causing any significant detrimental impacts on the amenity of the adjoining neighbours and that any future occupiers of the proposed development would enjoy a policy acceptable level of residential amenity. There is considered to be sufficient separation distance and orientation achievable to avoid any significant overbearing, overlooking or loss of light or daylight issues.

Amenity Space Provision

- 16.24 Policy DM19 requires new residential development to provide easy access to private amenity space, this policy also sets out the minimum garden sizes required for new residential development. It is clear from the layout that all dwelling can be provided with gardens in excess of the minimum stands as set out in the Local Plan.

Ecology

- 16.25 Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Local Plan Policy ENV1 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.
- 16.26 The applicant's submitted Preliminary Ecological Appraisal (PEA) considered the site to be negligible in ecological habitat for bats, great crested newts, dormice and badgers. There is suitable habitat for hedgehogs and birds but recommends the provision specific mitigation and enhancement recommendations, and should members be minded to recommend approval of the application, these measures and biodiversity enhancements would be secured by way of a planning condition. Overall, subject to conditions, the proposals are considered to accord with the requirements of Policies ENV1 of the Local Plan and the requirements of the NPPF (2021).

Impact on Heritage Assets/Archaeology

- 16.27 The National Planning Policy Framework 2021 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 (Para 199) and that any harm to, or loss of, the significance of a designated heritage asset (from

its alteration or destruction, or from development within its setting) should require clear and convincing justification (Para 200). The NPPF 2021 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 (para 196). In this instance, the site is not located within a Conservation Area and is a generous distance away from the nearest Listed Building. The scheme is thus unlikely to impact upon the setting of designated heritage assets.

- 16.28 The proposals have also been assessed in consultation with CCC's Archaeologist who has identified that the site lies in an area of high archaeological potential. Whilst the Archaeology Team have not objected to the development proceeding in this location, it was recommended that the site should be subject to a programme of archaeological investigation. Should members recommend approval of the scheme, a condition would be attached to the decision notice in this regard.

RAMS

- 16.29 A further requirement is that development proposals must not have an adverse effect on the integrity of habitat sites. Local Plan Policy ENV1 states that development proposals that have adverse effects on the integrity of habitats sites will not be supported. A Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been completed as part of the plan in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions are required from qualifying residential development, within the Zones of Influence as defined in the adopted RAMS, towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The proposed development has been considered in line with Natural England guidance, which concludes that the whole of Colchester Borough is within the zone of influence for the East Coast RAMS and that, unless a financial contribution is secured (to fund avoidance and mitigation measures in line with the RAMS), the proposed development is likely to have a significant effect upon habitat sites through increased recreational pressure, when considered in-combination with other plans and projects. A contribution is included as part of the s106 requirements (see Section 15 of this report) and the proposed development is therefore considered to be in accordance with policy ENV1 and acceptable in respect of its impact upon habitat sites.

Flood Risk

- 16.30 Policy DM23 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. This policy, along with policy DM24, to promote flood mitigation and defence measures as well as the use of appropriate sustainable urban drainage systems. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare. The application site is outside an identified flood zone and measures 0.5 hectares and as such a FRA is not required to support the application. Given that the proposal is outside of any flood zone, the proposal is not considered to have a harmful impact upon surface water drainage within the locality.

17.0 Conclusion and Planning Balance

- 17.1 In terms of the **social role**, the proposal would comply with the policies in terms of principle of the RES and it is considered the scheme results in general conformity with the spatial strategy. The proposal provides very convincing benefits in terms of providing affordable housing which meets over half of the demonstrated need as shown in the Housing Need Survey. This weight should be further enhanced when considering the perennial lack of affordable housing in the City and should carry significant weight as a public benefit in this context. There are also wider social benefits for the locality which includes traffic calming measures within School Road. It is also noted that an expansion to the Village Hall car park is provided however this is considered to be neutral in the planning balance given the additional car movements a car park can create and the additional hard standing it would create on site.
- 17.2 In terms of the **economic role**, this scheme will be beneficial as new dwellings equal new residents who will use local and City wide facilities. The scheme will also generate new Council Tax receipts and the New Homes Bonus. The scheme would also result in construction employment, albeit this is temporary and there is no guarantee that these jobs would be provided for residents of Colchester.
- 17.3 In terms of the planning balance and the **environmental role** of sustainability it is accepted that the scheme will have a minor impact upon the landscape area, given the partial loss of an existing field. This harm is somewhat mitigated with the addition of suitable soft and hard landscaping (controlled via planning condition). Overall, the landscape harm is considered to be modest.
- 17.4 Summarising the above, it is officers' opinion that the planning balance tips convincingly in favour of an approval given the substantial weight attracted to the social benefits of additional affordable housing.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

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

1. ZAA - Time Limit for Full Permissions

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

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

2. Development to Accord With Approved Plans

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

01C dated 18.11.2022

02C dated 18.11.2022

03C dated 18.11.2022

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

3. Materials To Be Agreed

The external facing materials shall be natural larch and the external roofing materials shall be natural slate. No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

4. Highways

Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety

5. Highways

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

6. Highways

Prior to the proposed access being brought into use, vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

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

7. Highways

Prior to first occupation of the proposed development, the communal recycling/bin/refuse collection point shall be provided as shown in the **Drawing Annotated "Site Plan"** and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

8. Highways

Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

9. Highways

The development shall not be occupied until such time as the car parking and turning area, including visitor parking has been provided in accord with the details shown in **Drawing Annotated "Site Plan"**. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

10. Highways

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

11. CMP

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. hours of deliveries and hours of work
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vii. measures to control the emission of dust and dirt during construction; and
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

12. Highways

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

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

13. Highways

Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage shall be extended to a minimum of 2.0m in width from the southern site boundary to the access to the adjacent Village Hall and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

14. Highways

No occupation of the development shall take place until a £15,000.00p index-linked contribution plus an Essex County Council S106 agreement monitoring fee towards speed reduction measures such as but not limited to, village gateway signage aimed at encouraging vehicle speed reduction on the approaches to and throughout School Road and in the vicinity of the proposed development site has been provided, details shall be agreed with the Local Planning Authority prior to commencement of the development.

Reason: To promote and encourage speed reduction and maintenance of the speed restrictions of transport.

15. Highways

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

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

16. Landscaping

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

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

17. Landscaping

No works shall take place above ground floor slab level until a scheme of hard and soft landscape works has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also accurately identify positions and spread of all existing trees, shrubs and hedgerows on the site; proposed planting, including a native hedge to the eastern boundary of the site specified to be maintained in perpetuity at a minimum height of 2m and a hedge to the eastern boundary of the site specified to be maintained in perpetuity at a minimum height of 1m; details of any hard surface finishes and external works. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

18. Hours of working

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

19. Archaeology

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

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

- 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 Adopted Local Plan Policy DM16 and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

20. Tree Protection

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

21. EV Charging points

Prior to occupation, a scheme showing EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the occupation of the dwellings in which the charging points serve.

Reason: To facilitate the uptake of low emission vehicles.

22. Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

23. Ecology

The development shall be carried out in accordance with the submitted PRELIMINARY ECOLOGICAL APPRAISAL dated January 2020.

Reason: To ensure the development is undertaken in the interests of ecology.

24. Earthworks

No works shall take place until details of all earthworks (including new services and foundation design) have been submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details. Reason: To ensure that any earthworks are acceptable in relation to their surroundings and to safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme.

25. Boundary treatments

The development hereby permitted shall not come in to use until details of the provision, siting, design and materials of boundary treatments have been submitted to and agreed, in writing, by the Local Planning Authority. The approved details shall then be erected prior to the first occupation of the development and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

26. Permitted development rights

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

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

27. Removal of PD for Open Plan Fences/Walls

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

28. No External Light Fixtures

No external lighting fixtures shall be constructed, installed or illuminated at any time unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution

29. Windows

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, depths of the reveals, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to the architectural detailing of the scheme.

30. Contamination

Contamination conditions will be inserted once a suite of suggested conditions have been received from the Contaminated Land Officer once they have reviewed the Phase 1 report.

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

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

3. INS – Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of

the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

INS – Landscaping

‘Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council’s Landscape Guidance Note LIS/B (this available on this CBC landscape webpage: <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the ‘read our guidance’ link)’

ZTB - Informative on Any Application With a Site Notice

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

