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Item No: 7.1

Application: 201140

Applicant: W Bradshaw & Son

Agent: Charlotte Powell, Arbora Design

Proposal: Outline application for the erection of 17no. dwellings.

Location: Land east of, Plummers Road, Fordham, Colchester

Ward: Rural North

Officer: Annabel Cooper

Recommendation: Approval subject to s.106 agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application site lies outside the settlement boundary for Fordham and therefore constitutes a departure from the Adopted Local Plan. It is also major development and objections have been received from residents and the parish council.

2.0 Synopsis

- 2.1 The application is an outline application for 17 dwellings on a site that is an allocation in the Emerging Local Plan (ELP). The key issues for consideration are the principle of development as the site is an emerging local plan allocation. Other key considerations include the impact on the highway network, landscape, and archaeology. Other material planning matters and representations have also been considered and are set out in the report. The application is subsequently recommended for approval subject to conditions and a Section 106 legal agreement to secure planning obligations.
- 2.2 The relevant policy context includes the Adopted Local Plan and the Emerging Local Plan.
- 2.3 Adopted Local Plan Policies SD1, H1 and ENV1 are up-to-date, in so far as they are relevant to this planning decision based on the protection afforded to land outside Settlement Boundaries the proposal is not considered to be compliant with these policies and is a departure from the adopted local plan.
- 2.4 However, the NPPF advocates consideration of other factors including Emerging Local Plans (ELP) which can be afforded weight (para.48). The adoption of Section 1 of the Emerging Local Plan confirms that progress will now be made with the imminent examination of Section 2 strengthening the assertion that the ELP is advanced in its stage of preparation so can be given some weight.
- 2.5 The Emerging Local Plan 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). The key policies SG1 and SS6 in the ELP relevant to this scheme are considered to be highly consistent with the NPPF and should therefore be afforded considerable weight.
- 2.6 Fordham is identified as a Sustainable Settlement in the ELP spatial Strategy (SG1). The outline proposal for 17 dwellings would provide 30% affordable housing, with proposed accesses from Plummers Road and the provision of a public footpath is in accordance with criteria of policy SS6 (Fordham).
- 2.7 The level of objection to the Local Plan allocation at Fordham is not significant and it cannot be said that the objections are substantial. It is considered that the planning application and the assessment of the proposal by the LPA

satisfactorily addresses the concerns raised to the allocation in the Emerging Plan or can be satisfactorily addressed at reserved matters stage.

- 2.8 The development proposed would include two new vehicular access points into the site from Plummers Road. The development and the proposed accesses are acceptable with regards to impact on the local traffic network and highways safety. The proposed development would also result in the improvement of infrastructure as there will be the introduction of a footpath along Plummers Road. As well as a pedestrian link from the proposed development site to the Hastoe development to the south.
- 2.9 As the development had the potential to impact a possible archaeological site, a trial trenching investigation was undertaken in November 2020. Following the assessment of the trenching exercise it is considered that the archaeology has been adequately assessed, and that no further archaeological mitigation would be required.
- 2.10 In terms of the planning merits of the case, the site is large enough to be able to accommodate 17 dwellings without appearing cramped or overdeveloped with appropriate landscaped areas. The submitted drawings are for illustrative purposes only and an improved layout would be expected for consideration at the Reserved Matters stage. Appropriate landscaping will allow a scheme to relate satisfactorily to the its surroundings in terms of landscape impact and impact on listed buildings (Plummers Farmhouse to the west).
- 2.11 It is considered that a scheme that will preserve a satisfactory level of neighbouring residential amenity and accord with Policy DP1 can be achieved subject to details to be agreed at reserved matters stage.
- 2.12 There are no concerns with regards to flood risk and a sustainable drainage strategy will be possible. Whilst it is acknowledged that the site will result in the loss of existing hedging this is to be replaced and suitable enhancements of the site including biodiversity gains, can be negotiated at reserved matters stage.
- 2.13 An on-site 30% provision of affordable housing would be secured by a legal agreement as would contributions and RAMS wildlife mitigation payment, see section 14.74 (Planning Obligations and Contributions).
- 2.14 The proposed would undoubtedly affect the site's existing undeveloped character as the site would change from being greenfield agricultural land to a housing development. However, such changes are inherent to all development on greenfield sites and the positive economic and social benefits, as well as the sustainability of the proposal are judged to outweigh the shortcomings identified. Particularly given the weight afforded to the supply of new homes in the NPPF as a significant public benefit.
- 2.15 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 being in conformity with the emerging local plan allocation.

3.0 Site Description and Context

- 3.1 The application site is a large agricultural field that forms the currently undeveloped eastern side of Plummers Road. The site is bounded by Plummer's Road to the West, to the North are existing dwellings, to the East is open countryside and to the South is a further agricultural field that separates the site from the Hastoe development which is an affordable housing scheme situated along Rams Farm Road.
- 3.2 The properties on the opposite side of Plummers Road comprise a variety of dwellings in both scale, design, and age. One of these, Plummers Farmhouse, is Grade II listed and is described as 'Circa 1500 or earlier timber framed house.
- 3.3 Fordham is classified as a sustainable settlement in the emerging local plan which is served by key community facilities including a primary school, village hall and playing field.

4.0 Description of the Proposal

- 4.1 The application seeks outline planning permission for 17 dwellings and two new access points from Plummers Road, all matters are reserved apart from the principle of development and access.
- 4.2 Matters of appearance, landscaping, layout, and scale would be determined under Reserved Matters application(s) to follow. Proposals submitted under Reserved Matters will still need to comply with current planning policy, and emerging local plan policies (where relevant).
- 4.3 The application is supported by the following documents:
- Location Plan
 - Access points plan
 - Illustrative layout plan
 - Revised Planning Statement
 - Heritage Assessment
 - Highways Access Review and Opinion
 - Flood Risk Assessment & Surface Water Drainage Strategy
 - Desk Based Archaeological Assessment
 - Archaeological Investigation Assessment

5.0 Land Use Allocation

- 5.1 Not allocated in current adopted Local Plan however the site is allocated for residential development in the Emerging Local Plan.

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

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

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

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

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP15 Retention of Open Space and Indoor Sports Facilities
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 There are no relevant neighborhood plans.

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 for Part 2 of the plan. Part one of the plan has been found sound by the Inspector and has now been adopted. The principle effect is that an annual housing supply figure of 920 units per year has now been agreed. The examination of Part 2 of the ELP is to commence imminently.

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, but as it is yet to undergo a full and final examination of Part Two, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF. The degree of weight to be afforded needs to be assessed in the light of para.48 of the Framework and, in particular, the extent of unresolved issues and the materiality of these issues.

7.6 Emerging Local Plan policies specific to this application are:

SG1 Spatial Strategy
SS6 Fordham Allocation

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

The Essex Design Guide
Backland and Infill
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development

8.0 Consultations

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

8.2 Affordable Housing Officer:

The applicant has proposed 30% affordable housing in accordance with the emerging policy.

Following negotiations the applicant has agreed to the proportionate mix of units requested by the Council comprising:

3 x 2-bed dwellings

1 x 3-bed dwelling

1x 4-bed dwelling

8.3 Anglian Water:

No assets affected.

Wastewater treatment plant has capacity.

The sewerage system at present has available capacity for these flows.

5 informatives requested.

8.4 Arboricultural Officer:

Following negotiation, a condition will be required to assess impacts and to inform the assessment of future reserved matters applications.

8.5 Archaeological Officer:

I monitored the evaluation trenches when they were opened late last year (2020) and have reviewed the submitted archaeological evaluation report. On that basis, I am happy that the archaeological potential of the site has been assessed adequately, and that no further archaeological mitigation works will be required in this case.

Request for contributions see section 14.74 (Planning Obligations and Contributions).

8.6 CBC Communities:

Request for contributions to go towards Fordham Village Hall and All Saints Church, see section 14.74 (Planning Obligations and Contributions).

8.7 Contaminated Land:

This proposed residential development would be vulnerable to contamination (if present). However, there does not appear to be any assessment of the potential risks on the planning file and will be required in support of any such application and prior to planning decision, sufficient to show that the site could be made suitable for the proposed use (when, where relevant, any subsequent contamination matters could be dealt with by way of planning condition, should you be minded to approve this application). Note that some contamination requiring remediation was identified when the nearby land to the south/east of this site was previously redeveloped for a residential use.

8.8 Conservation and Built Heritage Officer:

The Planning Statement (d.01 Dec 2020) was revised to include a Heritage Assessment section (Par.5.5) that satisfies the requirements of the NPPF's Par.189. With regard to the site of Thrifts Cottage (List UID 1239832, date first listed 27 Jan.1982), the seventeenth century timber framed cottage that is described in the list entry was destroyed by fire shortly after it was listed and replaced by the present building ; the first application for the erection of a replacement detached dwelling dates from 1982 but permission for the replacement dwelling was eventually granted in 1987.

As discussed by the comment d. 17.07.2020, there are no objections to the proposed development in principle, subject to appropriate landscape strategy that would mitigate the scheme's visual impact, as shown in the Illustrative Masterplan. Since the relevant details would be determined under relevant Reserved Matters application, there are no further comments on the present application on heritage grounds. *Officer comment: Thrift Cottage was destroyed by fire approximately thirty years ago and replaced by a modern unlisted property.*

8.9 Environmental Protection:

Recommended the following conditions:

Site Boundary Noise Levels

Construction Method Statement

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: none

8.10 Essex Police:

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. From experience pre-planning consultation is always preferable in order crime prevention through environmental design (CPTED) is incorporated into the proposed design to ensure that the security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development, prior to a full planning application.

The developers have made note creating safe, well planned and inclusive environments as recommended in the NPPF and the Colchester Policy DP1 Design & Amenity ' (iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight; (iv) Create a safe and secure environment' however the documents submitted do not supply sufficient specific detail to allow an informed decision as to whether this site meets this aim.

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

8.11 Highways Authority:

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

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

16 conditions were recommended by the Highways Authority of which all are within the recommended conditions appendix 1.

8.12 HSE

The site does not currently lie in consultation distance of a major hazard site or major accident hazard pipeline.

8.13 Landscape Officer:

Development of the site would be considered acceptable in principal given that the site is allocated, however, regarding the Illustrative Masterplan, the following points should be considered:

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:

- A native hedge and hedgerow trees should be proposed/agreed to the eastern boundary of the site to help it complement its rural edge setting. Where units back or side onto that boundary the rural landscape should be proposed/agreed as being privacy screened with a dark stained hit & miss fence set 1m behind the hedge, this in order to protect amenity value for users of the PRow network.

8.14 Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Council to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

8.15 NHS/Public Health England:

It appears the number of dwellings falls below the threshold of 50 and therefore on this occasion we will not respond seeking a healthcare contribution.

8.16 Parks and Recreation:

Request for contributions to go towards offsite projects: lighting on the Village Green, renovation of two finger posts, upgrades to existing playground and BMX track improvements, see section 14.74 (Planning Obligations and Contributions).

8.17 Planning Policy:

- The proposed site is located outside of the settlement boundary of the Adopted Local Plan. The site is allocated for development of up to 20 dwellings in the Emerging Local Plan Policy SS6.
- 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 Council considers that it has a 5-year housing land supply and therefore there is no need to apply the tilted balance principle.
- It is considered that the fundamental principles of both the Adopted and Emerging Local Plans are compliant with the new NPPF.
- The NPPF continues to support the policy approach in the Adopted Local Plan in principle, in respect of the key policies on settlement hierarchy relevant to this proposal, SD1 and ENV1. The proposal is not allocated as a site for development in the Site Allocations nor is it within the defined settlement boundary for Fordham, so is therefore in conflict with both SD1 and H1.
- Policy ENV1 sets out the policy context for proposals on unallocated greenfield land the criteria approach which seeks to assess the impacts of proposals on the intrinsic character of the countryside remains up to date. It is this element of the policy that the proposed development is in conflict with.
- The Emerging Local Plan is considered to be at an advanced stage.
- 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). Fordham is identified as a Sustainable Settlement in the ELP spatial Strategy (SG1) and allocates land for 20 dwellings in policy SS6, the site the subject of this application. The policy of most relevance to the principle of development is Policy SS6. This is set out below:
- Policy SS6 Fordham
 - In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the areas identified on the policies map which provides:
 - Up to 20 dwellings, the mix and type to be informed by evidence including the Fordham Housing Needs Survey and archaeological evaluation;
 - Access from Plummers Road with appropriate junction improvements; and
 - A new footway along the frontage/behind the existing hedgerow to provide safe pedestrian access from the site linking with existing footways and the rest of the village.
 - The Spatial Strategy (Policy SG1) and Fordham allocation (Policy SS6) are aligned with the NPPF which reinforces the plan led system. The policies will contribute to the delivery of sustainable development.
 - Paragraph 59 reiterates the Government objective of increasing the supply of homes.

- Accordingly, further consideration of the issues raised in representations to Policy SS6 is necessary to guide the judgement of the weight which should be given to the emerging policies in this case. These are summarised below:

- Question why playing field to east of the village is not protected as open space (Sports England).
 - *(In response to the representation from Sports England, the Council have proposed a minor modification to include the school playing fields as open space on Policies Map SS6 to correct this mapping error.)*
- Development on the scale proposed is unlikely, on its own, to have a severe impact on the strategic road network (Highways England).
- Reference previously made in policy to adjacent listed building (Plummers Farmhouse) and potential archaeological significance. (Historic England).
- Increase in traffic through main road in Fordham, safety risk for people living in Moat field area, speed prevention and controls need to be installed.
- Plummers Road is a busy dangerous and over used road not suitable for any planned access.
- Community involvement was flawed, with Councillors not being well informed to advise residents.
- Site is greenfield and would result in loss of agricultural land.
- Ribbon development along Plummers Road
- Proposed development is directly opposite a Grade II listed building
- Fordham is not a sustainable settlement
- Primary school at capacity until 2019, residents have to attend schools in other nearby villages. Further growth in Fordham would exacerbate this problem and necessitate unsustainable transport choices to attend primary and secondary school
- Village shop to close in approximately two years, unlikely to be profitable enough to be sold
- Location of site distance from key services which will result in unsustainable expansion and discourages use of sustainable transport choices.

- Rams Farm Road (171336) refused planning permission as site not suitable for development as “removed from shops, services and facilities with poor pedestrian links where it is entirely unrealistic to expect living without reliance on cars. This is contrary to environmental sustainability, with no social or economic benefits, contrary to the NPPF”. This was only 200m from the proposed site.
- Landowner had planning permission for a new dwelling on the land refused. This should be seen as a precedent.
- Site is rated red in ‘site suitability’ and overall amber rating in SLAA Assessment. Site should also be ranked red for the following reasons:
 - Utilities and Drainage– is there evidence that it would be possible to deliver? Can suitable drainage be provided? Will development of the site increase flood risk elsewhere? AW identified major constraint to manage surface water flooding in Fordham, poor capacity to manage surface water and foul water (Settlement Boundary Review).
 - Archaeological and heritage assets – Fordham is a historical Roman Village in Landscape Character Assessment. Potential archaeological significance of the site should be given great weight.
 - Public Transport – 450m from existing bus stop with no consideration of the minimal bus service provided to Colchester (3 a day). Marks Tey station 5.2km away.
 - Distance to Schools – 1.2km to primary and 5.3km to secondary.
 - Distance to health services – 3.6km GP surgery in West Bergholt.
 - Distance to centre – 4.5km to Stanway.
 - Distance to Strategic Employment Zone – 4.3km.
- As statutory consultees to this planning application, the Highways Authority have not raised an objection. Therefore, it is considered that concerns regarding access, traffic and road safety have been resolved.
- Anglian Water and Essex County Council as the Lead Local Flood Authority (LLFA) have provided responses to this proposal in relation to water infrastructure and Sustainable Urban Drainage (SuDS) respectively.
- The planning application referred to at Rams Farm Road (171336) was refused by the Council on 14 July 2017. Following an appeal, planning permission was granted in July 2018 for one dwelling for an equestrian worker. This is a specific proposal for a rural worker dwelling, which is not relevant to this proposal for 17 dwellings.

- It is noted that Fordham Parish Council have issued an objection to this proposal, among other concerns it is outlined since the Emerging Local Plan was submitted to PINs in October 2017, the village shop/post office has closed (January 2019) and the public house has recently also closed. However, Fordham remains to be served by a primary school, village hall and public open spaces. A small scale development in Fordham as per policy SS6, is considered to provide support to the existing facilities and any future facilities in the village.
- A change of use application was approved in May 2019 (190741) to enable the village shop/post office to change to a residential dwelling. Although this particular facility has been lost, it is not considered this would negate another facility from being provided elsewhere in Fordham.
- This proposal for 17 dwellings is in accordance with criteria of Policy SS6 which outlines up to 20 dwellings for the allocation. The proposal is providing 30% affordable housing.
- Overall, it is considered that majority of the representations have been resolved through this proposal (with the current exception of archaeology and SuDS), therefore policy SS6 can be afforded moderate weight. The proposal accords with Policy SS6. However, should the additional assessments be provided as requested by the consultees to this planning application and resolve these outstanding issues, significant weight should be afforded to policy SS6.

Planning Officer Comment: Additional assessments have since been provided and the outstanding issues have been resolved.

8.18 SUDS -Lead Local Flood Authority:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

- Approval of a detailed surface water drainage scheme for the site to be implemented prior to occupation.
- Approval of scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
- Approval of a maintenance plan detailing the maintenance arrangements
- Maintain yearly logs of maintenance.

8.19 Urban Designer:

The proposals are in general conformity with the emerging Local Plan and demonstrate that 17 dwellings can be comfortably accommodated therefore no objections in principal. However, I would suggest that a more visually enlivening layout might mirror development on the west side of Plummers Road, with units stepped forward at the north end of the site and set back at the south end of the site. This would create spatial 'sequence' along Plummer Street with more a more enclosed area defined by dwellings to the north changing to a more open area to the south and avoiding the deadening effect of a corridor of development. Such an arrangement might also facilitate an increase in dwelling numbers to accord more closely with eLP allocation of 20 units.

9.0 Parish Council Response

9.1 The Parish Council have stated the following:

A decision that was historically approved is not relevant in the current climate and the information submitted in the application is not accurate. With the closure of the Village Shop and Post Office in January 2019 and the recent closure of the local pub, Fordham lacks close proximity to any facilities other than a Church, School and village hall.

The nearest Doctors Surgery 4 miles distance, Hospital 8 miles distance, shop 3 miles distance and supermarket 4 miles distance. Furthermore, Fordham does not have a regular transport system as noted. The bus service is limited, and no public transport runs to the nearest train station which is 5.6 miles by car.

There is no mention in the report of the significantly increased traffic flow in the village especially high usage of HGV, Farm vehicles and skip lorries supporting activities for CSH and Fairfield's Farm. In addition, Plummers Road is used as access for vehicles going North and South of the A12. The Parish Council is currently working with highways to agree traffic calming measures.

The site plan does not indicate where the entrance and exit of the site will be. A desktop archaeological study has been conducted which is out of date. The Parish Council strongly recommend a physical survey be performed. Recent investigations confirm a Roman Road running through the site and new Roman sites identified in the Village. Further satellite images suggest potential of a Roman Courtyard Villa on the edge of the site.

Fordham Parish Council requests that a public consultation to be held with further information provided including access points, footpaths, landscaping maintaining a rural setting.

Planning Officer comments:

The Parish Council was re-consulted following submission of revised supporting documents following concerns regarding inaccuracies as well as the submission of a Heritage Assessment and an Assessment of archaeological trial trenching undertaken. The Parish Council did not wish to amend their previous comments.

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 Fifteen letters of objection have been received which made the following comments:

- Lack of public consultation by applicants and Local Planning Authority.
- Poorly researched Planning Statement and inaccurate supporting documents.
- Adverse impact on existing residential amenity with regards to noise, light pollution, daylight/sunlight, privacy/overlooking.
- Outside of settlement boundary.
- Stated that Fordham does not have sufficient services or facilities to accommodate to development.
- Stated that Fordham does not have adequate public transport.
- The development would not be sustainable and be car dependent.
- Plummer's Road is a busy and dangerous road unsuitable for new access and increased traffic.
- Adverse impact on setting of listed buildings.
- References to previously refused application on near by site.
- Adverse impact on ecology.
- Loss of footpath.
- New development not in line with the Council's declaration of a Climate Emergency.
- Query with regards to flood risk and sustainable drainage.
- Adverse impact on Landscape and character of the area.
- Loss of agricultural land.

10.3 One letter was received supporting the principle of the development but raised concerns with regards to impact on wildlife.

10.4 Three further comments were made requesting information, more time to comment and a holding comment.

Planning Officer comments:

A number of comments were made that there had not been sufficient public consultation. The community had been consulted and had the opportunity to comment when the site was allocated in the Emerging Local Plan. As part of the current application, a site notice was erected, a press advert issued, and neighbour consultation letters sent in accordance with the proper procedure.

The planning agent for the development changed during the application process. The new agent took onboard the comments with regard to inaccuracies in the supporting documents and revised documents were submitted.

A number of the objections received referred to matters that are not planning matters such as the loss of the view from existing properties to the west of the site. There also seemed to be some confusion with the difference between an outline application and a full application and the level of detail required for an outline application and the matters reserved for subsequent consideration.

11.0 Accessibility

11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not give rise to any concerns regarding discrimination or accessibility at outline stage. Detailed proposals will be established at reserved matters stage and will need to be considered under the Equality Act.

12.0 Air Quality

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

13.0 Planning Obligations

13.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought see section 14.74 (Planning Obligations and Contributions).

14.0 Report

14.1 The main issues in this case are:

- The Principle of Development
- Access and Highways Safety
- Archaeology
- Layout and Landscape
- Impact on setting of listed buildings
- Amenity
- Amenity Space Provisions
- Arboriculture
- Contaminated Land and Environmental Protection
- Flood Risk and Sustainable drainage
- Ecology
- Public Open Space Provision
- Affordable Housing
- Planning Obligations and Contributions
- Planning Balance

Principle of Development

- 14.2 This outline proposal for 17 new dwellings to the east of Plummer Road is on land which is outside of the settlement boundary in the Adopted Local Plan. The land is a site allocation for residential development in the Emerging Local Plan, Policy SS6. Both the Adopted and Emerging Local Plans are therefore relevant and the relationship of the proposal to each of these plans, as well as the compliance with the National Planning Policy Framework (NPPF) are key factors that need to be considered.
- 14.3 It is necessary to assess whether there are any relevant elements of Colchester Borough Council policies that do not comply with the Framework that justify a reduction in the weight to be given to the policy. For the Emerging Local Plan (ELP), it is necessary to consider the Framework criteria on the weight to be given to policies para.48 NPPF), 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 NPPF. It is considered that the fundamental principles of both the Adopted and Emerging Local Plans are compliant with the new NPPF.
- 14.4 The NPPF continues to support the policy approach in the Adopted Local Plan in principle, in respect of the key policies on settlement hierarchy relevant to this proposal, SD1, H1 and ENV1.
- 14.5 The council can demonstrate in excess of a 5 year housing land supply and the key Local Plan Policies SD1, H1 and ENV1 are up-to-date, in so far as they are relevant to this planning decision for proposed development on this site, paragraph 11 'the tilted balance' of the NPPF is not triggered.
- 14.6 The proposed site is not allocated as a site for development in the Site adopted local plan (alp) Site Allocations DPD nor is it within the defined settlement boundary for Fordham, so is therefore in conflict with both SD1 and H1 of the adopted local plan.
- 14.7 CS Policy ENV1 of the ALP sets out the policy context for proposals on unallocated greenfield land outside of defined settlement boundaries. Policy ENV1 takes a more stringent approach, in part, than is envisaged by the NPPF. However, the principle of the approach to unallocated land outside settlement boundaries and the criteria approach which seeks to assess the impacts of proposals on the intrinsic character of the countryside remains up to date. It is this element of the policy that the proposed development conflicts with.
- 14.8 However, the NPPF 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 degree of consistency of the relevant policies to the NPPF.

- 14.9 Section 1 Emerging Local Plan (ELP) was adopted by the Council on 1st February 2021. This does not have any direct bearing on the consideration of this application, since the relevant policies in the emerging Local Plan are in the Section 2 part of the Plan. The adoption of Section 1 does confirm that progress will now be made with Section 2 with the Examination hearings confirmed for April 2021. This does of course strengthen the point that the ELP is advanced in its stage of preparation so can be given some weight.
- 14.10 Fordham is identified as a Sustainable Settlement in the ELP spatial Strategy (SG1). The policy of most relevance to the principle of development is Policy SS6 which allocated the application site for up to 20 dwellings with access from Plummers Road and a new footway along the to provide link to existing footways and the rest of the village.
- 14.11 The Spatial Strategy (Policy SG1) and Fordham allocation (Policy SS6) are aligned with the NPPF which reinforces the plan led system (para. 15) and sets out at para. 16 how plans should be prepared. The policies will contribute to the delivery of sustainable development.
- 14.12 The key policies in the ELP relevant to this scheme are considered to be highly consistent with the NPPF and should therefore be afforded considerable weight.
- 14.13 The final issue to be taken into account when considering the weight to be afforded to the site specific policy in the ELP is the level of unresolved objection.
- 14.14 The level of objection to the Local Plan allocation at Fordham is not significant, with a total of 8 representations, 2 of them in support and 1 comment, with the remaining 5 as objections. Although valid representations it cannot be said that the objections are substantial. It is considered that the planning application and the assessment of the proposed by the LPA satisfactorily addresses the concerns raised to the allocation of the site in the Emerging Plan or these matters can be satisfactorily addressed at reserved matters stage.
- 14.15 It is noted that Fordham Parish Council have issued an objection to this proposal, among other concerns it is outlined that since the Emerging Local Plan was submitted to PINs in October 2017, the village shop/post office has closed (January 2019) and the public house has recently also closed. However, Fordham remains to be served by a primary school, village hall and public open spaces. A small-scale development in Fordham as per policy SS6, is considered to provide support to the existing facilities and any future facilities in the village.
- 14.16 The recent Three Horse Shoes Public House closure immediately following the Coronavirus pandemic (lock down period) (June 2020), does not necessarily mean that the facility will remain closed in the longer-term. If the premises are no longer viable, there is potential for this to be sold and under new ownership may be a viable business or this could be changed to a different community facility as per policies in the Adopted and Emerging Local Plans.

- 14.17 This proposal for 17 dwellings would provide 30% affordable housing in accordance with the requirements of the Emerging Local Plan. The proposed accesses will be from Plummers Road and the applicants have agreed to the provision of a public footpath to be secured S106 agreement. Therefore, the proposed is in accordance with criteria of Policy SS6 which is afforded significant weight.

Access and Highways Safety

- 14.18 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.
- 14.19 Several of the objections received cite traffic generation and highways safety as primary concerns.
- 14.20 A Transport Statement (TS) was submitted in support of the application which stated that “the additional traffic generated by the development would be small and in terms of the performance of Plummer’s Road, and the routes emanating away from the site the changes to traffic flow would be almost imperceptible in terms of its impacts on the performance of the local highway network.” The Highways Authority have not raised any concerns with regard to the increase in traffic generated by the proposed development.
- 14.21 The development proposed would include two vehicular access points into the site off Plummers Road. These locations were preferred to avoid direct conflict with the private accesses to the houses on the opposite side of Plummers Road. The Highway Authority has confirmed that the proposed access points are acceptable, and a number of conditions have been recommended to ensure the access points are acceptable from a highway safety perspective. Therefore, it is considered that the concerns raised by representations have been satisfactorily assessed and addressed.
- 14.22 The proposed scheme would also result in highways improvements as the applicant has agreed to the provision of a footpath along the frontage of the development along Plummers Road, and continuing south as far as the landownership allows, this will be secured by a S106 agreement. The public footpath will not only benefit the prospective occupants of the development but also the existing residents along Plummers Road, as there is currently no public footpath. The public footpath will encourage the future and current residents to utilise sustainable access with regards to walking and using public transport. The footpath will help to connect the residents to the Fordham’s services and facilities.

- 14.23 Also, the applicant seeks approval for the principle of a footpath between the application site across to the Hastoe development. Further providing connectivity between the existing and proposed residential development. The pedestrian link is within Hastoe land, the heads of terms for a legal agreement have been agreed.
- 14.24 The development has sufficient the space to meet adopted parking standards, the specific details will be addressed at reserved matters stage.
- 14.25 The proposal is acceptable with regards to its impact on the local traffic network and highways safety whilst the proposed development would also result in the improvement of infrastructure that would encourage the use of more sustainable modes of transport to access village facilities.

Archaeology

- 14.26 The site of the proposed residential development is located on the edge of an undesignated heritage asset, the remains of a medieval green, recorded in the Colchester Historic Environment Record (Colchester HER Monument no. MCC9135, Plummers Green).
- 14.27 Evidence within the HER and the submitted archaeological desk based assessment suggested that the site had a moderate-high potential for features and finds relating to the medieval and post-medieval periods, in particular activity relating to Plummers Green. The potential for features and finds relating to the prehistoric and Roman periods was considered to be low-moderate.
- 14.28 The National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development paragraph 189 requires the applicant to describe the significance of any heritage asset affected (both designated and non-designated) and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 requires that, 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 192 states that account should be taken of the 'desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' and, 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'.

- 14.29 Adopted Development Policy DP14 Historic Environment Assets (2010, Revised 2014) of the Adopted Local Plan 2001-2021, states that ‘development will not be permitted that will adversely impact important archaeological remains.’
- 14.30 As the development had the potential to impact a possible archaeological site, a trial trenching investigation was undertaken in November 2020. The work was undertaken in accordance with a design brief issued by the archaeological advisor for Colchester Borough Council. Ten trenches measuring 30.00m x 1.80m were excavated.
- 14.31 The evaluation revealed two phases of archaeological activity at the site. The first phase relates to prehistoric activity based in the late Bronze Age to early Iron Age relating to the presence of a single discredited pit in trench 10. No other archaeological features of this date were encountered at the site however its presence does suggest that known prehistoric settlement in the area expanded further towards the evaluation site.
- 14.32 The second phase of activity relates to the post medieval period where most of the small finds were dated to as well as the material recovered from ditch 1003 in trench 8. The ditch likely represents former internal field divisions. The presence of finds and domestic material within the topsoil is suggestive of the site being utilised for night soiling.
- 14.33 Following the trial trenching and the submission of the archaeological evaluation document the Council’s Archaeological consultant who also monitored the evaluation trenches when they were opened late last year considers that the archaeological potential of the site has been assessed adequately, and that no further archaeological mitigation works will be required going forward.

Layout and Landscape

- 14.34 Policy DP1 of the Local Plan requires all development to respect and enhance the character of the site, its context and surroundings. Core Strategy Policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment, countryside and coastline. Whilst the submitted layout plan is purely for illustrative purposes only, it shows that 17 dwellings on the site could be accommodated without appearing cramped or overdeveloped. It also shows that a proposed development would be a linear development which is in keeping with the existing residential development along Plummers Road.
- 14.35 Development of the site would undoubtedly affect its existing character as the site will change from being greenfield to built development, but this should not preclude development in principle. Such changes are inherent to all undeveloped sites and unavoidable.
- 14.36 The loss of the hedgerow across the frontage will affect the immediate character of the area, although the opportunity will be available to replant the hedgerow. As the application is for outline permission, with landscape being a reserved matter, it is considered that these details can be submitted at

reserved matters stage. The replanting of a new hedgerow could quickly compensate for the loss of the existing hedgerow.

- 14.37 It is however, considered that the detail of the existing illustrative layout is not acceptable and that an improved layout would be required to be submitted at Reserved Matters stage. To ensure that a scheme of the highest quality possible is achieved. Whilst at present the layout shows a linear, hard surface dominated, uniformly spaced units which would need improving by locating parking and hard surfaces, in less prominent locations. There would also need to be more variety in terms of house positioning and plot widths to reflect the character of existing development on the western side of Plummers Road.
- 14.38 Overall, there is the potential for a development of 17 dwellings on this site to respect the character of the site and surroundings (Policy DP1) and to secure a high-quality design that is in keeping with its context (Policy UR2) and conserve the landscape and townscape (Policy ENV1).

Impact on setting of listed buildings

- 14.39 A number of listed buildings are situated in the vicinity of the application site. Plummers Farmhouse (Grade II, List UID 1239831) is situated on the opposite side of Plummers Road; a group of listed buildings is located to the north, including Marks Gate, the Congegational Chapel, Penny Cottage, Plummers Cottage, Maltings Farmhouse and the Threshers which is the closest one to the north boundary of the site though separated by Summer House.
- 14.40 The proposed development has the greatest potential to affect the setting of Plummers Farmhouse. Whist it is acknowledged that the scheme will have an impact to the character of the wider area that includes the listed buildings to the north of the site.
- 14.41 The application is reviewed form a heritage perspective according to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990) which requires that planning decisions shall have *special regard* to the desirability of preserving listed building and their setting. At the same time, NPPF's Section 16, Par.194 determines 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, while Par. 196 clarifies that where a development proposal will lead to less than substantial harm to the asset's significance, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 14.42 The application is supported by a Heritage Impact Assessment. The Councils Built Heritage Officer agrees with the conclusion of the Heritage Assessment that the current setting of the existing heritage assets is different to that at the time of construction. The settlement development of Fordham has expanded with residential development along Plummers Road and Rams Farm Road. The proposed development would infill the eastern side of Plummers road, reflecting the western side. The proposed development would not affect the

ability to appreciate the heritage values of the listed buildings nor have any impact upon significance.

- 14.43 Mitigation in the form of the scheme's layout and density has been incorporated in the illustrative proposed development and would be fully resolved at reserved matters stage. Taking into account the baseline conditions there would be no long-term adverse effects upon the assets, and therefore the development accords with the NPPF and local policies DP14 and DM16.

Amenity

- 14.44 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.
- 14.45 The application site lies adjacent to or opposite properties situated on Plummers Road. Residents have expressed concerns with regards to noise, light pollution, daylight/sunlight, privacy and overlooking. At this stage, only illustrative/indicative layouts have been submitted. These details show that development can be accommodated without adverse impacts on existing development in terms of privacy, outlook and loss of light.
- 14.46 The Environmental Protection team have recommended conditions to reduce the impact of the construction period, through this is a short-lived impact. There is scope to position access drives and parking areas in locations that would not lead to significant noise and disturbance to neighbouring residents. The impact of this relatively small number of new dwellings should not have a detrimental impact with regard to light pollution and the Environmental Protection team have not recommended any control measures or conditions.
- 14.47 The existing dwelling closest to the development is Summer House. Any proposed new dwelling/s to the north of the site would need to respect the amenity of Summer House adhering to policy DP1 in terms of impact, as well as the principles of the Essex Design Guide which provides design guidance to preserve a satisfactory level of amenity. These matters would need to be assessed on the submission of reserved matters which will provide the detailed layout for the scheme once approved subsequently.
- 14.48 It is therefore considered there is potential to achieve a scheme that would preserve a satisfactory level of neighbouring residential amenity and accord with Policy DP1.

Amenity Space Provisions

- 14.49 Policy DP16 provides the standards for private amenity space. For houses, these standards are as follows:
- One or two bed – a minimum of 50 sqm.
 - 3 bed – a minimum of 60 sqm.

- 4 bed – a minimum of 100 sqm.

14.50 There is ample space within the development site to meet these amenity space standards.

Arboriculture

14.51 Further consideration needs to be given to the impact on trees. There are trees at the boundaries of the site and where the proposed linking footpath is to be located. As the layout of the development is not established, further information would be required at reserved matters stage to assess and mitigate any impacts.

14.52 The impact of the proposed development on trees is not considered to be significant provided the reserved matters scheme is designed appropriately. It is therefore recommended that there be conditions to ensure that the reserved matters are submitted in accordance with the Arboricultural Constraints Assessment and that a full impact assessment (AIA), Arboricultural method statement, and tree protection plan is submitted and agreed.

Contaminated Land and Environmental Protection

14.53 This proposed residential development would be vulnerable to contamination (if present). The Council note that some contamination requiring remediation was identified when the nearby land to the south/east of this site was previously redeveloped for a residential use. Contamination matters are to be dealt with by way of planning condition.

14.54 The Environmental Protection team have also recommended a number of conditions to mitigate the impacts of construction.

Flood Risk and Sustainable drainage

14.55 As the application exceeds 0.5 hectares it required a Flood Risk Assessment and Sustainable Drainage Strategy, this has been provided. The Flood Risk Assessment confirms the site is not at risk from flooding and that surface water can be collected, attenuated and discharged on site with no increased off-site flood risk.

14.56 Essex County Council as the Local Lead Flood Authority have reviewed the Flood Risk Assessment and associated documents and do not object to the granting of planning permission. Essex have recommended a number of conditions which include the requirement to provide a detailed surface water drainage, a scheme to minimises the risk of offsite flooding during construction and detail with regards to long term maintenance and management.

14.57 Anglian Water have confirmed that there is sufficient wastewater treatment capacity and the sewerage system has available capacity.

Ecology

- 14.58 It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). The whole of Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An appropriate assessment was therefore required to assess recreational disturbance impacts as part of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). As required by the draft RAMS, a financial contribution is required in order to mitigate impacts from the development. Provided that this contribution is secured, the proposed development is not considered to have a detrimental impact on designated sites. The applicants have agreed to provide the financial contribution see section 14.74 (Planning Obligations and Contributions).
- 14.59 The proposed development will require the removal of the hedgerow that currently runs the length of the site frontage. This has the potential to impact nesting birds. An informative will be included to remind the applicants of the protected status of breeding birds and to remove the hedging outside of the breeding bird season or with the supervisor of a qualified ecologist. The footpath link will run through an existing small section of woodland specific details and potential impacts and mitigated will be assessed at reserved matters. There is potential to enhance the site for the benefit of wildlife and its ecological value by the replanting of the hedging, implementing soft landscaping and wildlife-friendly planting.

Public Open Space Provision

- 14.60 The indicative layout shows that there is potential to provide public open space on the site 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. Also, the applicant has agreed to the contributions requested by the Council's parks and recreation team.

Affordable Housing

- 14.61 The proposal includes 30% affordable housing provision in line with Emerging Local Plan policy DM8. Twelve of the dwellings would be for market housing with the remaining five as Affordable Housing. It is proposed these would be 3 x 2-bed dwellings 1 x 3-bed dwelling, 1x 4-bed dwelling. The applicants have agreed that the affordable dwelling would meet the Part M4 Cat 2 requirements for accessibility.

Planning Obligations and Contributions

- 16.62 The following contributions have been requested and agreed by Development Team as policy compliant:

- Affordable housing – 30% affordable housing.

- RAMS - £2,134.86 to be paid prior to the commencement of development and to be used for off-site habitat mitigation.

- Archaeology – £17,553

For a museum quality display case, design and display material, an interpretation panel, enhancement of the Colchester HER.

- Communities - £30,600

For improvements to Fordham Village Hall to expanding and resurface the car park, and to provide larger spaces for blue badge holders and family users. To remove asbestos roof and covert existing storeroom into a baby change facility. As well as support a Church Café at All Saints Church Fordham.

- Parks and Recreation - £54,228.03

For lighting on the Village Green, the renovation of two finger posts, upgrades to existing playground and BMX Track Improvements.

- Highways

Prior to the occupation of any of the proposed dwellings the applicant shall provide a new footway from the northern outer tangent of the northern junction southerly across the sites frontage to Plummers Road to the full extent of the highway or 2.0m whichever is the greater which shall extend southerly to the inner tangent of Rams Farm Road junction and connect to the existing footway.

This is to be 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 to the specifications of the Highway Authority.

It is acknowledged that due to landownership that a section of the footpath will not be possible, the developer should therefore provide the greatest amount of footpath that the landownership constraint will allow.

Planning Balance

- 14.63 National policy and statute requires planning to be genuinely plan-led. The proposal is considered to accord with the emerging Local Plan but is contrary to the adopted Local Plan as the site is outside the adopted settlement boundary of Fordham. The Emerging Local Plan is compliant with the NPPF and at an advanced stage, therefore weight can be afforded to the site allocation in the ELP (Policy SS6). The substance of the objections raised to the policy are addressed or capable of being addressed through the reserved matters stage.
- 14.64 Despite the closure of the village shop/post office in January 2019 and the closure of the Three Horse Shoes Public House in June 2020 following the lock down period, in response to the coronavirus pandemic, Fordham remains to be served by other facilities including a primary school, village hall and public open spaces. Therefore, Fordham is considered a sustainable settlement furthermore the proposed scheme is in conformity with Policy SS6.
- 14.65 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.
- 14.66 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.
- 14.67 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. It is considered that the proposed would have a significant social benefits including the provision of policy compliant affordable homes to sustain balanced communities.
- 14.68 There is also sufficient evidence to be confident that the development would not cause significant harm to the amenity of nearby residents or have an adverse impact upon the highway network. While the development would provide an upgrade to the highways infrastructure with the introduction of a footpath and better connectivity between with the existing rural exception site (Hastoe) with the introduction of a footpath link.
- 14.69 A thorough pre-determination investigation of the site's archaeology has been undertaken, the conclusion of the trial trenching and subsequent analysis confirms that the proposal will not adversely affect archaeological assets. With regard to the setting of nearby listed buildings, the Council is confident that with a suitable landscaping scheme to be resolved at reserved matters that

there would be no harm to the significance of heritage assets. Any change in the wider setting resulting in a low degree of harm through consolidation of the built form would be capable of effective mitigation and any residual harm would be convincingly outweighed by the public benefits associated with the development. Therefore, the proposed is acceptable in terms of impact to the historical environment in accordance with para.193,194 and 196 of the Framework.

14.70 Furthermore, there are no concerns with regards to flooding and a sustainable drainage strategy will be possible. Whilst it is acknowledged that the site will result in the loss of existing hedging this is to be replaced and suitable enhancements of the site can be negotiated at reserved matters stage.

14.71 The proposed would undoubtedly affect the sites existing character as the site will change from being greenfield agricultural land to a housing development. There will also be the replacement of an established hedgerow impacting the character of the site and removing an existing habitat for local wildlife. However, the positive economic and social effects, as well as the sustainability of the proposal are judged to outweigh the shortcomings identified. In particular, 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, it is considered that any harm is convincingly outweighed by the public benefits.

15.0 Conclusion

15.1 To summarise, 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.

16.0 Recommendation to the Committee

16.1 The Officer recommendation to the Committee is for:

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

1. Time limit for outline permission (1/3)

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 permission (2/3)

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 permission (3/3)

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 plans

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

'Site Location Plan' APD/059/PP001A dated 02.03.2021&

'Site Plan' APD/059/PP002A dated 02.03.2021.

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

5. Tree and hedge protection

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). The survey should be able to be read against any proposed layout and for all trees affected by the development.

The development shall then be carried out strictly in accordance with the approved method statement, unless previously agreed in writing by the Local Planning Authority.

Reason: To allow the proper consideration of the impact of arboreal constraints and fully analyse the proposed development on the trees/hedges on the existing site and adjacent land. To adequately safeguard the continuity of amenity afforded by existing trees.

6. Contaminated Land (1/4)

No works shall take place 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 all relevant, current, best practice guidance, including 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.

7. Contaminated Land (2/4)

No works shall take place 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.

8. Contaminated Land (3/4)

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

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

9. Contaminated Land (4/4)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

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.

10. Limited hours of work

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

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.

11.Highways (1/15)

Prior to the first occupation of the development, the proposed estate road, at the bellmouth junctions with Plummers Road (maximum of 2no connections to Plummers Road) shall each be provided with 10m radius kerbs returned to an access road carriageway width of 6.0m. and flanking footways 2m in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

12.Highways (2/15)

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.

13.Highways (3/15)

Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

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

14.Highways (4/15)

All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.

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

15.Highways (5/15)

All footways should be provided at no less than 2.0m in width.

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

16.Highways (6/15)

All off street car parking shall be provided in precise accordance with the details contained within the current adopted Parking Standards. The parking spaces shall be provided within the site and shall be maintained free from obstruction and retained thereafter.

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

17.Highways (7/15)

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

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

18.Highways (8/15)

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.

19.Highways (9/15)

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

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

20.Highways (10/15)

No unbound materials shall be used in the surface treatment of the proposed vehicular accesses 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.

21.Highways (11/15)

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.

Alternatively, prior to the proposed access being brought into use the applicant shall provide a 3.0m wide parallel band visibility splay across the entire sites frontage to Plummers Road which 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.

22. Highways (12/15)

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.

23. Highways (13/15)

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

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

24. Highways (14/15)

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

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

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

25. Highways (15/15)

Prior to the occupation of any of the proposed dwellings the applicant shall provide a new footway the entire length of the development sites frontage to Plummers Road and continue southernly as far as landownership will allow, the footpath shall be the full extent of the highway or 2.0m, and shall be 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 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.

26. SUDS (1/4)

No works shall take place 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:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. An offline detention basin cannot be considered as a treatment stage. An additional treatment stage will need to be proposed.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason: In order to mitigate prevent flooding from surface water. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

27. SUDS (2/4)

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

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170

state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

28. SUDS (3/4)

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

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

29. SUDS (4/4)

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

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

30. Sustainable Procurement

Prior to commencement of the development, a Sustainable Procurement Plan shall be submitted to, and agreed in writing by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

INFORMATIVES

Potential Contaminated Land Informative

PLEASE NOTE that an adjacent site was known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The Planning Authority has determined the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an Appropriate Person. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

Highways Informative 1

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:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Highways Informative 2

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.

SUDS Informative

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Anglian Water Informative 1

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

Anglian Water Informative 2

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

Anglian Water Informative 3

Building near to a public sewer- No building will be permitted within the statutory easement width of 3 meters from the pipeline without agreement from Anglian Water. Please contact Development Services Team 0345 606 6087.

Anglian Water Informative 4

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in the sewer adoption agreement with Anglian Water (under Section 104 of the Water Industry Act 1991), they should contact our Development Service

Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers Adoptions guide for developers, as supplemented by Anglian Water's requirements.

Ecology Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a precommencement inspection of the vegetation and buildings for active bird nests should be carried out by a qualified Ecologist. Only if there are no active nests present should work be allowed to commence.

S106 Informative

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

Advisory Note on Construction & Demolition

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

Informative on Conditions Stating Prior to Commencement/Occupation

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

Informative on 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.