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Item No: 7.1

Application: 202829

Applicant: Miss P Harris, Persimmon Homes Essex

Proposal: Development of 66 dwellings with associated parking, landscaping, open space, drainage and infrastructure and the formation of a vehicular access onto London Road.

Location: Land To The Rear Of Catchbells, 296 London Road, Stanway, Colchester, CO3 8PB

Ward: Marks Tey & Layer

Officer: Lucy Mondon

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because:
- It constitutes major development where a s106 is required and the recommendation is to approve; and
 - It constitutes major development where objections have been received and the recommendation is to approve.

2.0 Synopsis

- 2.1 The application seeks full planning permission for the development of 66 dwellings with associated parking, landscaping, open space, drainage and infrastructure and the formation of a vehicular access onto London Road, Stanway. The key issues for consideration are the principle of development; flood risk and drainage; impacts on ecology, highways, heritage, landscape and trees; and design. Matters of contamination, amenity, and climate change are also considered, along with other material planning matters.
- 2.2 The proposed development has been assessed in line with both current and emerging planning policy, with the benefit of consultee comment and local representations. A consideration of the planning benefits of the proposed development has resulted in a balanced judgement which concludes that the benefits of the scheme outweigh any adverse impacts identified and the application is subsequently recommended for approval subject to a number of planning conditions, as well as s106 obligations.

3.0 Site Description and Context

- 3.1 The application site is currently a grass field, approximately 3.4ha in area, that extends north from London Road, Stanway. The site lies immediately west and north of Catchbells (296 London Road), a Grade II* listed building. Immediately opposite the site frontage onto London Road sits the Parish Church of St Albright, also a Grade II* listed building. The site is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone, although the proposed development of 66 dwellings is below the threshold for Natural England to consider impacts.
- 3.2 The site is located outside the currently adopted settlement boundary of Colchester and is therefore classed as being within the countryside for planning purposes, although the site is allocated for residential development as part of a wider site allocation within the Council's Emerging Local Plan (ELP) Section 2. Immediately west of the site is a small area of woodland that is also allocated for development as part of the ELP.
- 3.3 The surrounding context is considered to represent the changing character between the more built up areas of Colchester and the surrounding rural area leading to Copford. London Road exhibits a variety of built form and architectural style due to ongoing development over a number of years (centuries). There is a mix of modest two-storey semi-detached properties, as

well as much larger detached properties that are set back within their respective plots. There are also a number of more modern commercial units, such as car sales premises, garden centre, restaurants along the road and in proximity to the application site. Recent residential development has also taken place at Wyvern Farm immediately east of the application site.

4.0 Description of the Proposal

- 4.1 The application seeks full planning permission for the development of 66 dwellings with associated parking, landscaping, open space, drainage and infrastructure, and the formation of a vehicular access onto London Road.
- 4.2 The proposed development would provide a range of both market and affordable units, having a mix of one to four bedroom dwellings. The proposed scheme has undergone significant changes throughout the planning application process. The application as originally submitted (December 2020) sought planning permission for 102 dwellings, which was later amended to 98 dwellings, and finally 66 dwellings in response to Case Officer comments. The revisions seek to address comments relating to site allocation policy requirements, landscape and trees, layout and design, and highways matters in particular.
- 4.3 The application is supported by a site allocation masterplan and relevant detailed drawings, as well as the following documents (alphabetical order):
- Acoustic Design Statement
 - Air Quality Assessment
 - Arboricultural Impact Assessment
 - Archaeological Desk-Based Assessment
 - Biodiversity Net Gain Design Stage Report
 - Biodiversity Net Gain Metric
 - Canopy Cover letter
 - Ecological Impact Assessment (both interim assessment and addendum)
 - Flood Risk Assessment and Drainage Report
 - Health Impact Assessment
 - Heritage Statement
 - Landscape and Visual Impact Assessment
 - Phase 1 Geoenvironmental Assessment
 - Planning, Design and Access Statement
 - Transport Assessment (with addendum)
 - Wintering Bird Survey

5.0 Land Use Allocation

- 5.1 The application site is allocated for development as part of a wider site allocation in the Council's Emerging Local Plan (ELP) Section 2. The relevant site allocation policy reads as follows:

Policy WC2: Stanway

Allocations as shown on the policies map will be safeguarded for predominantly residential uses unless otherwise stated. In addition to meeting

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

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

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

Land to the North of London Road

Development of these sites will be supported where they provide;

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

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

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

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

Any proposals will also take into account the Essex Minerals Local Plan and the developer will be required to submit a Minerals Resource Assessment as part of any planning application. Should the viability of extraction be proven, the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development.

- 5.2 The site allocation policy is considered to carry sufficient weight with which to determine the planning application, having had regard to paragraph 48 of the National Planning Policy Framework (the NPPF). Further detail is provided as Sections 7 and 16 of this report.

6.0 Relevant Planning History

- 6.1 No relevant planning history. There have been planning applications relating specifically to Catchbells and its associated outbuildings, but these do not fall within the current planning application site. A two-storey house and garage on the site frontage to London Road was refused in 2008 (ref: 080404).
- 6.2 An Outline Planning Application has been submitted for the remainder of the site allocation (ref: 212507): *Outline Planning Application (with all matters reserved except access) for the erection of up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and associated infrastructure. Vehicular access from London Road (B1408) and Red Panda Road.* This application has not been determined and is currently under consideration.
- 6.3 An application for full planning permission has also been submitted for the adjacent Almshouse site, which is also allocated for development within the Emerging Local Plan (ELP) (ref: 200995): *Phased construction of 31 single and two bedroom Almshouses in one and two storey configurations with associated access, parking and external works. Demolition of existing almshouses.* This application has not been determined and is currently under consideration.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 Local Plan 2017-2033 Section 1
The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February

2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

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

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

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

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

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
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

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

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

- 7.5 Submission Colchester Borough Local Plan 2017-2033:

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded significant weight due to its advanced stage. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

SG1 Colchester's Spatial Strategy
SG2 Housing Delivery
SG7 Infrastructure Delivery and Impact Mitigation
ENV1 Environment
ENV3 Green Infrastructure
ENV5 Pollution and Contaminated Land
CC1 Climate Change
PP1 Generic Infrastructure and Mitigation Requirements
DM1 Health and Wellbeing
DM2 Community Facilities
DM3 Education Provision
DM8 Affordable Housing H4
DM9 Development Density
DM10 Housing Diversity
DM12 Housing Standards
DM15 Design and Amenity
DM16 Historic Environment
DM18 Provision of Open Space and Recreation Facilities

DM19 Private Amenity Space
DM20 Promoting Sustainable Transport and Changing Travel Behaviour
DM21 Sustainable Access to development
DM22 Parking
DM23 Flood Risk and Water Management
DM24 Sustainable Urban Drainage Systems
DM25 Renewable Energy, Water Waste and Recycling

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime
Air Quality Management Guidance Note, Areas & Order
Stanway Joint Design Statement and Parish Plan

8.0 Consultations

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

8.2 Anglian Water: No objections. Confirmation that:

- The foul drainage from the development would be in the catchment of Copford Water Recycling Centre, which has available capacity for flows;
- The sewerage system has available capacity for flows;
- Preferred method of surface water disposal would be to a sustainable drainage system (SuDS), with connection to sewer as a last option.

Recommended informatives regarding adoption and sewer connection.

8.3 Arboricultural Officer: No objections following revisions and submission of additional information (including tree canopy cover assessment).

8.4 Archaeological Adviser: No objections subject to condition to secure a programme of archaeological investigation.

- 8.5 Building Control: No comments received.
- 8.6 Contaminated Land Officer: Conclusion that the site would likely be suitable for the proposed residential end use (provided that the proposed intrusive site investigation actions are undertaken). No objections subject to conditions to secure site characterisation and remediation works (as necessary). Further condition to secure procedure should any unexpected contamination be found.
- 8.7 Emergency Planning: No comments received.
- 8.8 Environmental Protection: No objections subject to conditions to secure electric charging points for cars; construction method statement; hours of working during demolition/construction; and mitigation to reduce impacts of noise.
- 8.9 Essex Bridleways Association: No comments received.
- 8.10 Essex County Council Energy and Low Carbon team: No comments received.
- 8.11 Essex County Council Green Infrastructure team: No comments received.
- 8.12 Essex County Council Minerals and Waste: No comments as, whilst the application site is located within the sand and gravel mineral safeguarding area, it is below the minimum threshold (5ha) for comment.
- 8.13 Essex County Fire and Rescue: Fire Service access considered to be satisfactory subject to compliance with Building Regulations. Additional fire hydrants may be required and automatic sprinkler systems are recommended.
- 8.14 Essex Police: Recommend that the developer considers opportunities to embed Secured by Design in the proposed development.
- Comments based on original submission highlighted concerns with the layout and design from a crime and safety perspective. No comments have been received in respect of revised proposals.
- 8.15 Essex Wildlife Trust: No comments received.
- 8.16 Health and Safety Executive: No comments as the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.
- 8.17 Highway Authority: No objections subject to conditions regarding construction traffic, a priority junction off London Road, upgraded bus stops, improvements to Public Footpath 27 Stanway, residential travel information packs, and s106 requirement for a financial contribution toward new and or/improvement bus services.
- 8.18 Historic Buildings and Areas Officer: Concluded that the proposed development would result in less than substantial harm to the Grade II* listed Catchbells and St Albright's Church given the mitigation strategies put forward.

Comment on original submission was that a more substantial green buffer zone would provide additional mitigations that would further reduce the harm to the setting of Catchbells. No comments have been received in respect of the subsequent revisions.

8.19 Historic England: No comments.

8.20 Landscape Officer: No objections on landscape grounds subject to specific requirements in respect of hedgerows and planting, as well as conditions to agree detailed landscape works and a landscape management plan.

8.21 National Highways: No comments.

8.22 Natural England: Advice to consider the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) in accordance with Natural England guidance.

8.23 NHS: Comments in respect of s106 requirements.

8.24 North East Essex Badger Group: Comments that there are badgers situated along the western boundary as well as the single holes noted in the submissions. Surveys should be undertaken and mitigation to retain the badger location sites rather than close them. Concern regarding loss of open areas and hedgerows so open space and woodland should be set aside.

8.25 Planning Policy: A masterplan for the wider site allocation is required and there is a requirement for wintering bird surveys as part of modifications to the Section 2 Local Plan.

The above comments relate to the original submission only. A masterplan for the wider site allocation has been submitted, as has a wintering bird survey. No further comments have been received.

8.26 SUDS: No objections subject to conditions relating to a detailed surface water drainage scheme, as well as management and maintenance plan.

8.27 The Ramblers Association: No comments received.

8.28 Sustainability and Transport: Recommendations in respect of s106 requirements.

8.29 Urban Design: No objections following revisions. Recommended conditions relating to materials, landscaping, design of utility structures, cycle storage, architectural detailing, and removal of certain permitted development rights.

8.30 Waste Services: No comments received.

9.0 Parish Council Response

9.1 Stanway Parish Council objected to the original submission on the basis of objections from residents on London Road and concerns that the land would be overdeveloped, lack of infrastructure, and a concern that the proposed access on London Road would have highway safety issues.

9.2 Stanway Parish Council have not commented on the later submissions.

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 The comments summarised below cover all submissions: Original submission in December 2020, followed by revisions in October and December 2021, January 2022, and final revisions in February/March 2022.

10.3 In total, 20 objections have been received (some comments are from the same source):

- The area cannot cope with further development.
- Highway Matters:
 - Increase in traffic
 - Should be brought up to standards of LTN 1/20
 - There should be no regular vehicle access to/from London Road at the proposed access;
 - Toucan crossing over London Road required;
 - Segregated route along London Road from Church Lane to Marks Tey Station with links to Stanway Schools (CBC Cycling SPD route 12) should be provided;
 - Widened pavements on London Road should be shared-use with cyclists as last resort;
 - There should be cycle/pedestrian priority (on-site and London Road);
 - Difficult to judge off-site connections without details of wider site
 - On-site cycling routes need to be better planned out.
 - Masterplan is too vague in respect of cycle routes and connections; no links to off-site infrastructure; bus route not shown; suggestion that all private vehicle access should be via the Western Bypass has not been taken up or justified; why has CBC sanctioned access further west.
- Infrastructure
 - Local schools, surgery, hospital and dentist cannot cope.
- Design and Layout:
 - Layout dominated by road system;
 - Open space confined to edges of development only with limited opportunity for safe and overlooked spaces;
 - Layout does not relate well to village setting;
 - Little regard to streetscape;
 - Little opportunity for NPPF requirements for tree-lined streets
 - Poor house designs

- No playspaces
- Lack of daylight to private gardens (where north-facing) and properties (with small windows).
- Amenity:
 - Health and well-being of future residents
- Impact on Heritage Assets:
 - St Albrights and Catchbells would be severely compromised due to loss of trees and poor standard of architecture.
- Safety and Accessibility:
 - The scheme would not connect well with existing or proposed cycling and walking routes.
 - Lack of connectivity would add to car-borne journeys and increased traffic.
- Climate Change:
 - No commitment to reducing carbon footprint of the development (buildings have not been designed to take advantage of solar gain or to reduce energy consumption).
- Landscape and Trees:
 - 40% loss of mature trees which would harm character of the site

10.4 Four letters of general comment have been received The comments are summarised as follows:

- Request that trees on the eastern perimeter of the site be retained in the interests of wildlife and to prevent flooding;
- Concerns regarding traffic on London Road and request double yellow lines to prevent parked cars and keep traffic flowing; and
- Comment that Stanway does not have adequate infrastructure.

11.0 Parking Provision

11.1 Development Plan Policy DP19 requires vehicle parking to be in accordance with the Vehicle Parking Standards SPD. For residential development there is a minimum car parking requirement of 1 no. space per dwellings (for one bedroom units) and 2 no. spaces per dwelling (for two bedroom or more units), with a preferred bay size of 5.5m x 2.9m. There is a minimum cycle parking requirement of 1 no. secure covered space per dwelling. Visitor spaces should also be provided at a ratio of 0.25 spaces per dwelling (rounded up to nearest whole number).

11.2 The proposed development fully accords with these requirements. Each property is provided with 2 no car parking spaces and 17 no. visitor spaces would also be provided. The provision of secure cycle parking can be secured by way of condition.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of discrimination; the site is accessible by a number of modes of transport (car, bus, cycle, foot), and the accessibility standard for 10% of market housing

and 95% of affordable housing will meet Building Regulations Part M4 Cat 2. There would be a requirement (secured via s106) for 5% of affordable housing to meet Part M4 Cat 3 (2) (b) as set out in Draft Policy DM12 vi.

13.0 Open Space Provisions

13.1 Both adopted policy DP16 and emerging policy DM18 require at least 10% of an application site area to be usable public open space. In this case, the site area is 3.4ha so the minimum amount of public open space required would be 0.34ha.

13.2 The Case Officer's assessment of open space provision has been quite stringent, only taking into account as part of the public open space calculation those areas considered usable. It is considered that the site would provide 0.44ha public open space, which is in excess of the planning policy minimum requirement. The proposed development also includes additional landscaped areas which have an added public visual benefit.

13.3 The provision of playspace is being pursued as part of s106 negotiations.

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones. Matters of air quality are assessed in the main body of this report.

15.0 Planning Obligations

15.1 As a "Major" application, there was a requirement for this proposal to be considered by the Council's Development Team. It was considered that Planning Obligations should be sought in order to mitigate impacts from the development. The Obligations that would be agreed as part of any planning permission would be (alphabetical order):

- Affordable Housing obligation to secure 30% Affordable Housing with a tenure split of no less than 80% affordable housing for rent and no more than 20% Shared Ownership. The affordable housing should meet enhanced accessibility standard of Part M4 Cat 2 (Building Regulations 2015) and 5% will need to be designed to meet Part M4 Cat (3) (2) (a) or (b);
- Archaeological financial contribution towards the display, promotion, and management of any archaeological finds; and/or financial contribution towards integrating information from the archaeological investigation of the site into the Council's Historic Environment Record (HER);
- Community Facilities financial contribution towards Phases 1 and/or Phase 2 of the Stanway Community Centre;
- Education financial contribution towards Primary education;
- Healthcare financial contribution towards primary healthcare and additional ambulance health services;
- Highways financial contribution towards new and improved bus services;

- Parks and Receptions financial contribution towards both Borough (Castle Park) and Ward (Stanway Allotments and/or Stanway Country Park) projects;
- Recreational disturbance Avoidance Mitigation Strategy (RAMS) financial contribution; and
- Sustainable Transport financial contribution towards walking and cycling routes, car club, and shared cycle scheme and bike club.

It is also considered necessary to:

- Secure the provision, management, and maintenance of public amenity areas, open space and equipped play area (including financial contribution should Colchester Borough Council adopt); and
- Safeguard land to allow for vehicle access to north should it be required (dependent upon the access requirements for the wider site allocation).

16.0 Report

Principle of Development:

- 16.1 The application site lies outside the settlement boundary for Colchester in the Adopted Local Plan (ALP), but is included within the settlement boundary as part of the Emerging Local Plan (ELP) and is allocated for residential development as part of a larger site allocation under policy WC2 of the ELP. Both the adopted and emerging local plans are relevant in this case and the relationship of the proposal to each of those plans, as well as the compliance of relevant adopted and emerging policies with the NPPF, are accordingly key variables in assessing the planning balance.
- 16.2 On the first point, the ELP is considered to be at an advanced stage, with Section 1 now being adopted and Section 2 having gone through examination and consultation on modifications. Representations were made in respect of policy WC2 at earlier stages in the ELP preparation, but these representations are not considered to constitute substantive objections that would reduce the weight to be afforded to the ELP.
- 16.3 Whilst the proposal does not accord with the ALP, the principle of development on the site is put forward by policy WC2 of the ELP which can be afforded weight in the decision-making process. The proposed development is therefore considered to be acceptable in principle, although it is important to note that the overall acceptability of the application would be dependent upon its acceptability in respect of the specific requirements of policy WC2 and other planning policy requirements.

Contaminated Land

- 16.4 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. Emerging Plan Policy ENV5 supports proposals that will not result in an unacceptable risk to public health or safety, the environment, general amenity or existing uses due to land pollution.
- 16.5 A Phase 1 Geoenvironmental Assessment has been submitted with the application. The assessment has identified some potential sources of contamination requiring further risk assessment. The assessment concludes that the site would likely be suitable for the proposed residential end use (taking into account that the further site investigation is undertaken). The Council's Contaminated Land Officer does not have any objections to the application on this basis, subject to conditions being applied to ensure site characterisation is undertaken, as well as suitable remediation (as necessary). These conditions are considered necessary given the conclusions of the submitted assessment. A further condition is recommended to set out the procedure should any unexpected contamination be encountered; this condition is also considered to be necessary and appropriate.
- 16.6 Subject to the necessary conditions, the proposed development is considered to satisfy the requirements of policy DP1 and emerging policy ENV5.

Flood Risk and Drainage

- 16.7 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff. Emerging Plan Policies CC1 and DM23 state that development will be directed to locations with the least impact on flooding or water resources. Major development proposals required to reduce post development runoff rate back to the greenfield 1 in 1 year rate, with an allowance for climate change. On brownfield sites where this is not achievable, then a minimum betterment of 50% should be demonstrated for all flood events. In addition, emerging plan policy DM24 requires all new residential development to incorporate Sustainable Drainage Systems (SuDS) appropriate to the nature of the site.
- 16.8 A Flood Risk Assessment and Drainage Report has been submitted with the planning application and considered by the Lead Local Flood Authority, Essex County Council SUDs team, and Anglian Water. The proposed development includes on-site SUDs features.
- 16.9 The report concludes the following:
- The site falls within Flood Zone 1 “areas with little or no potential risk of flooding” from watercourses;
 - The site is at low or very low risk of flooding from all sources, including groundwater, surface water/overland flows and reservoirs;

- Therefore, the proposed redevelopment has an acceptable flood risk within the terms and requirements of the NPPF;
- The detention basin provides approximately 1130 m³ attenuation storage and has been designed to accommodate the 1 in 100-year storm even plus 40% allowance for climate change, a further 10% allowance has been included in the design to account for urban creep;
- Flow will be restricted to the 1 in 1-year Greenfield run-off rates before discharging into an existing ditch;
- Site investigation and infiltration testing in accordance with BRE 365 shall be carried out on site as part of the detailed design process;
- Permeable paving and modular attenuation tanks will be used to provide additional attenuation.
- The foul water strategy will include a pumping station to the north-west corner of the site. The pumping station will be designed in accordance with Building Regulations Part H and DCG for sewers offered for adoption. The rising main route / outfall is subject to review by Anglian Water.

- 16.10 Anglian Water have confirmed that there is sufficient capacity for flows from this development. The County Council SUDs team have confirmed that they have no objections to the proposed development subject to conditions to secure a detailed surface water drainage scheme, as well as securing the maintenance and management of the agreed scheme. The conditions are considered to be both reasonable and necessary and can be included as part of the decision. On the basis of the conclusions of the Flood Risk Assessment and Drainage Report, SUDs proposals, and advice from both Anglian Water and the County Council SUDs team, the proposed development is considered to be acceptable in respect of flood risk and drainage.

Ecology

- 16.11 Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.
- 16.12 A number of Emerging Plan Policies seek opportunities to safeguard and enhance biodiversity throughout the Borough. Policy ENV1 requires development proposals to be supported by appropriate ecological surveys where necessary; conserve or enhance the biodiversity value of greenfield and brownfield sites (minimising fragmentation of habitats); maximise opportunities for preservation, restoration, enhancement, and connection of natural habitats; and incorporate biodiversity net gain of at least 10% in line with principles outlined in the Natural England Biodiversity Metric. In addition to these requirements, the site allocation policy WC2 requires wintering bird surveys to be undertaken to identify any offsite functional habitat.

16.13 The application is supported by an Ecological Impact Assessment and addendums, as well as a Biodiversity Net Gain Design Stage Report and Arboricultural Impact Assessment. A Wintering Bird Survey was also submitted as per the site allocation requirements. Essex County Council Place Services have considered the submissions and confirmed that they provide sufficient information for determination of the application. A summary of Places Services considerations is as follows:

- Great Crested Newts recorded in the pond onsite. The pond is due for retention and mitigation will be sought via the District Level Licencing Scheme. Case Officer Note: sufficient information has been submitted in association with Natural England.
- Bat Activity Surveys have been undertaken and updated surveys will be necessary in order to establish appropriate mitigation. There are features on site that have potential to support maternity, hibernation, roosting bats and sufficient mitigation and enhancement would be required, Planning conditions would secure appropriate mitigation and enhancement, as well as a sensitive lighting scheme.
- A reptile mitigation strategy is required to protect slow worm, grass snake, and common lizard population. An on-site receptor site is proposed and considered to be acceptable.
- There are two Priority Habitats on site (Mixed Deciduous Woodland and Hedgerows), both of which will be impacted by the proposals. The Biodiversity Net Gain Design Stage Report (SES, December 2021b) details a loss of 0.66 units of hedgerow and 5.59 units of other habitats, including plantation woodland. The proposals include enhancement of retained habitats and creation of new habitats via planting and appropriate management leading to a net gain of 0.71 habitat units and 4.61 hedgerow units. This represents a gain of 8.38% in habitat units and 75.40% in hedgerow units. A Landscape and Ecological Mitigation Plan (LEMP) will be required via condition in order to secure the net gains and protect the retained woodland and boundary habitats.

16.14 Whilst the proposed development would have an impact on ecology and biodiversity, the impacts can be appropriately mitigated and enhancements can be secured in line with planning policy requirements. Subject to conditions to ensure protection, mitigation, and enhancement measures, the proposed development is considered to adhere to both adopted and emerging planning policy in respect of ecology and biodiversity. Protected species (e.g. bats, badgers, newts) are also protected by legislation outside of the planning system and the Developer will need to adhere to that legislation.

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

Highways

- 16.16 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD. Recently adopted Section 1 Policy SG1 states that development that reduces the need to travel will be encouraged. Emerging Plan Policies DM15, DM20, DM21, and DM22 have similar requirements to adopted policy, with particular emphasis on enhancing accessibility for sustainable modes of transport
- 16.17 The site allocation policy WC2 has specific requirements in respect of highway matters and sustainable transport; it requires under points (iii) and (v) of the policy that the development must have:
- A comprehensively planned highways access which takes into account adjoining residential allocations in order to minimise the number of new access points onto London Road but without prejudice to the development of the adjoining sites; and
 - An integrated cycleway and footway serving the development and connecting to the existing network.

- 16.18 A Transport Assessment has been submitted with the application which the Highway Authority considers to be acceptable. The Highway Authority does not have any objections to the proposed development subject to planning conditions and s106 obligations which will be referred to below. It is important to note that the Transport Assessment detailed highway impact on the basis of the original proposals for 102 dwellings and the Highway Authority did not object to the application at this point. The proposed development has since undergone significant revision and the dwelling numbers reduced to 66 which would have a lesser impact than previously considered acceptable in any case.
- 16.19 In the interests of establishing a comprehensively planned highways access and strategy, a Masterplan has been submitted with the application which shows the site allocation as a whole, as well as its relationship to the adjacent Almshouse site allocation. This has aided consideration of appropriate access arrangements and infrastructure, particularly in respect of modes of sustainable transport. The Masterplan shows that there would be two vehicular access points from London Road: one to serve the current application site and one to serve the wider site allocation; the Almshouse site would not have a separate access from London Road and would be accessed via this application site. This access arrangement does minimise the number of new access points onto London Road (as required by the site allocation policy) and further discussions with the Highway Authority are being undertaken as part of the planning application for the wider site in order to ensure a comprehensively planned highway network throughout the site and connecting to the surrounding area.
- 16.20 Initial layouts for the development included a vehicular access that continued north from London Road into the adjacent wider site. This has subsequently been omitted however in order to promote green infrastructure and cycle/pedestrian links through to the wider site and surrounding area. It has been considered necessary however to safeguard sufficient land within the site to enable a vehicular route through to the north should this be necessary, it being dependent upon the final and agreed access strategy for the wider site (the site allocation policy seeks to ensure that other sites are not prejudiced by site access arrangements); this matter can be dealt with as part of the s106.
- 16.21 The proposed development also includes links to the public right of way (PROW) on the eastern edge of the site and includes both segregated and on-road cycle routes through the development. The Highway Authority have recommended conditions to improve the PROW, which is considered to contribute towards encouraging walking and cycling in accordance with planning policy, as well as mitigate the increased usage. In addition, a financial contribution towards improving walking and cycling routes between the application site and the town centre can be secured as part of the s106 (as required by the Council's Sustainability and Transport team) which further increases the accessibility of the site.
- 16.22 In terms of public transport, the Highway Authority require a financial contribution towards new and/or improved bus services in the vicinity of the

application site, as well as bus stop upgrades (upgrade of the two bus stops which would best serve the development). These requirements are all considered to be necessary (by way of s106 obligation or condition as appropriate) in order to enhance the accessibility of the site and encourage the use of more sustainable modes of transport which not only protects highway efficiency of movement and safety, but also provides mitigation in terms of climate change. A financial contribution towards car and bike clubs can also be included as part of the s106 in order to promote and encourage sustainable choices by reducing car use.

- 16.23 Objections have been received that concern traffic impact and cycle infrastructure (specifically LTN 1/20 guidance). In terms of traffic impact, paragraph 111 of the NPPF states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Given that the Highway Authority have no objections to the proposed development in terms of transport and highway impact, and that a range of mitigatory measures can be secured, it is concluded that it cannot be demonstrated that the proposed development would have an unacceptable or severe impact on the road network. A refusal on these grounds is not considered to be justified.
- 16.24 In considering cycle infrastructure, the proposed development is considered to (as a result of both physical works and contributions to projects in the wider area) offer satisfactory and beneficial cycle access routes through the site and further afield. Objections refer to the need for the development to adhere to the Department for Transport LTN 1/20 guidance, specifically in regard to segregated cycle paths. Whilst the LTN 1/20 does not form part of adopted policy or guidance, it has been considered as part of the assessment of this application. The development layout provides for segregated paths; the southern part of the site includes a segregated cycle/footpath, and the northern part of the site (travelling into the wider site) has a segregated cycle path. Whilst a dedicated segregated cycle path is not included in the southern part of the site to/from London Road, the roads within the site would have a speed limit of 20mph (given that the site would provide a relatively low number of dwellings (66), without any through roads) and it is considered reasonable for cyclists to use the carriageway in this speed limit. Indeed, LTN 1/20 acknowledges (at paragraph 4.4.1) that 'in quiet residential streets, most people will be comfortable cycling on the carriageway even though they will be passed by the occasional car moving at low speeds', with Figure 4.1 confirming that mixed traffic would be appropriate in 20mph areas. In any case, the site layout does provide a shared cycle/foot path that can be used if desired. Should safeguarded land be required (to provide vehicular access through to the north and the wider site allocation), fully segregated cycle paths would be provided as the road would have increased vehicular traffic.
- 16.25 Having had regard to planning policy requirements, as well as the recommendations of both the Highway Authority and the Council's Sustainability and Transport team, it is considered that the proposed

development is acceptable in respect of highway impacts and matters of accessibility and sustainability.

- 16.26 The proposed development is also considered to be acceptable in terms of parking provision. Both adopted and emerging planning policies would require at least 2 no. parking spaces per dwelling and 17 no. visitor spaces. The proposed development accords with these requirements to planning policy standard. A disabled parking space is also provided to serve the accessible unit on site. Cycle parking can be provided for each plot and details can be secured by condition.

Heritage

- 16.27 Both Core Strategy Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic Environment. Development Plan Policy DP14 makes it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains. Emerging Plan Policy DM16 states that development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset.
- 16.28 The relevant legislation for the review of the application from a heritage perspective includes Planning (Listed Buildings and Conservation Areas) Act (1990), whose Section 66 (1) requires that the decision to grant planning permission for development which affects a listed building or its setting shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF is an additional consideration. Section 16, Paragraph 189 requires from applicants to describe the significance of any heritage assets affected by the proposal, including any contribution made by their setting, with a level of detail which is proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 192 (c) states that in determining applications, the desirability of new development making a positive contribution to the local character and distinctiveness should be taken into account. Paragraph 193 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, *great weight* should be given to the asset's conservation. Paragraph 194 clarifies 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. Whereas paragraph 195 deals with substantial harm to a designated heritage asset, Paragraph 196 states 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.
- 16.29 The application site sits adjacent and opposite to Grade II* listed buildings Catchbells 296 London Road and the Parish Church of St Albright. The proposed development, given its siting and relationship to these two

buildings, is considered to have an impact on their setting. The relevant listing descriptions are as follows:

Catchbells (listed in 1982):

STANWAY LONDON ROAD 1. 5214 (north side) Catchbells TL 92 SW 11/51 II 2. Early C15 house with later alterations. Timber framed and brick clad. Two storeys. Red plain tile, hipped and gabled roof. 1:1:2 window range, C18 and C19 double hung vertical sliding sashes. H plan. East wing is early C15 with fine pair of service doorways with rounded heads. Originally jettied and gabled now underbuilt and oversailed. Original roof remains, with cambered and arch braced tie beam, short 4 armed crown post, with moulded base and moulded and castellated capital. Little of the original hall remains except one storey post. Late C16 inserted first floor with moulded bridging joists and stop chamfered common joists. West wing is circa 1500, originally jettied and gabled, now underbuilt and oversailed. Fine circa 1500 chimney stack with rebuilt diagonal shafts. Two original fireplaces. To the rear of the west wing is a 2 storey late C19 wing in brick, part painted. Double hung vertical sliding sashes. East wing has rear extension of C17 and later. East boundary has C18 red brick wall. (RCHM 9).*

Parish Church of St Albright (listed in 1965):

STANWAY LONDON ROAD 1. 5214 (south side) Parish church of St Albright (formerly listed as TL 92 SW 11/57 Church of St Ethelberts) 7.4.65 II 2. C12 and later, with extensive alterations by Gilbert Scott in circa 1880. Nave is early C12, and retains part of its original roof with scissor-bracing and notched lap joists. C12 windows in north wall, both single light with Roman brick jambs and round stone head. Mid C14 window with 2 cinquefoiled lights with quatrefoil in 2 centred head with moulded label, and head stops, C15 window with 2 cinquefoiled lights in 2 centred head. South wall has one C12 window and C12 doorway, with round arch of Roman brick. West wall has Roman brick quoins and C14 window, much restored. Restored C12 window above. Chancel added in 1826 and restored in circa 1880, when south aisle, south chapel and, it is said, the bell-turret were added. South arcade of circa 1500 from St Rumwald's Church. Colchester, North porch is C15 with 4 braced crown post on cambered tie-beam with hollow chamfers. Octagonal perpendicular font, with panels with shields and with chalice and the host surrounded by rays. East window by Kempe, 1892. Red plain tile roof. (RCHM 2).*

- 16.30 The Council's Historic Buildings and Areas Officer has provided detailed comments in respect of the impact of the proposed development upon built heritage which is drawn upon in the following assessment.
- 16.31 Catchbells is an early fifteenth century house with later additions that include a two storey late nineteenth century range to the rear of the west wing and a seventeenth century extension to the east wing. The house appears as 'The Cedars' in the nineteenth century Ordnance Survey Maps and as 'The Stanway Grange' from 1920s onwards; the maps mark as "Catchbells" the group of outbuildings to the north of the house. The cartographic evidence indicates that the agricultural complex has undergone various changes,

with removals and additions, but the footprint of certain buildings appears continuously present in historic maps, including the two long ranges along the east boundary of the application site. The additional buildings are likely to be considered as curtilage listed.

- 16.32 The application site forms part of Catchbells' immediate setting which contributes to the special interest of the heritage asset; the undeveloped land maintains a degree of separation between the listed building and the development along London Road to the west and enables its appreciation within the rural landscape that has been its context historically. The hedge and trees to its south end that fronts onto London Road contribute to the experience of the street frontage as a soft rural edge with planting that screens the various buildings which are set back from the street. Albeit set a bit back from the road, the Church of St Albright with the low boundary wall remains the prominent feature in that section of the road while Rosemary (a Grade II listed building) emerges within the views that unfold as the observer moves westwards.
- 16.33 The development of the site would result in a significant change to the character of the area by introducing built form where none exists currently. The change would affect primarily Catchbells as it would introduce built development to the North and West, while the configuration of the section that fronts onto London Road, including the new vehicular access, would have an impact on the setting of St Albright's Church.
- 16.34 The urbanisation of the rural land immediately surrounding Catchbells would result in a level of less-than substantial harm to the special interest of the listed building through harm to its setting. This harm is identified in paragraph 5.2 of the Heritage Statement; the report acknowledges that the scope of the development would cause harm to Catchbells but argues that the harm would be moderated by the mitigation that is set out in paragraph 4.2 and 4.3 and summarised in paragraph 5.2. and outweighed by the public benefit of new dwellings.
- 16.35 The proposed layout would include a buffer zone between the proposed development and Catchbells and the proposed dwellings would be in a position and of a scale that would not challenge the presence of Catchbells. In addition, the recommendations made by the Council's Historic Buildings and Areas Officer as part of the original scheme have been incorporated into the current scheme, such as including a green buffer zone to the London Road frontage to allow for the retention of hedges and trees and to maintain Rosemary as the dominant feature in the streetscene. Enhanced landscaping would also be implemented in order to mitigate the urbanisation of the site.
- 16.36 In respect of the impact on St Albright's Church, the access from London Road would create a gap in the green frontage and would result in increased traffic opposite the church. The proposed access is therefore considered to have an adverse impact on its setting. Again, the level of harm is considered to be less than substantial.

- 16.37 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to a designated asset's significance, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Council's Historic Buildings and Areas Officer has recommended that this requirement is taken into account for the planning balance that would decide the outcome of this application.
- 16.38 In consideration of below-ground archaeology, the submitted archaeological desk-based assessment identifies that the proposed development site has a high potential for containing Romano-British archaeological deposits and features, and a moderate potential Anglo-Saxon and later periods. The Council's Archaeological Adviser concurs with these findings having taken into account data held within the Colchester Historic Environment Record (HER). The advice from the Archaeological Adviser is that they have no objections to the proposed development subject to further archaeological investigation and recording in order to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed (in accordance with paragraph 199 of the NPPF). The further investigations can be secured by condition and any necessary display and recording being secured via s106 obligation.

Character of the Area (including landscape matters and trees)

- 16.39 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Core Strategy policy UR2 and Development Plan policy DP1 seeking to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. These principles are also reflected in adopted Local Plan Section 1 Policy SP7 and Emerging Plan Policy DM15. In addition, Emerging Plan Policy PP1 requires suitable design and screening/landscaping to minimise any negative impacts on surrounding landscape.
- 16.40 The site allocation policy WC2 also has specific requirements in the interests of the surrounding landscape under points (iv) and (vii), but these points focus on landscape buffers to the north and west of the wider site allocation and are not relevant to the application site in question.
- 16.41 The application is supported by a Landscape and Visual Impact Assessment (LVIA) and Landscape Strategy drawing(s). The LVIA acknowledges that given that the land use of the site would change as a result of the development, with the addition of built form, there would be an impact on the character of the site and its immediate surroundings, but the residual landscape effects would be 'minor adverse' or 'negligible' given the mature trees and shrub boundary vegetation, with the development being designed to minimise landscape and visual effects further. In terms of enhancement opportunities, the LVIA refers to the proposed landscape strategy which would 'deliver landscape, biodiversity, recreation, and sustainability

benefits'. The Council's Landscape Officer has considered the LVIA and does not have any objections with regard to landscape impact.

- 16.42 In considering the Landscape Strategy, the Landscape Officer has confirmed that they would have no objection in principle to the proposed vehicle/pedestrian/cycle accesses that breach existing hedgerows, given that there are a number of weak areas in the hedgerows meaning that the impact is less pronounced. There would, however, be the need for compensation by way of the existing/retained field hedgerows being cleared of bramble and deadwood and gapped up with native hedging. This is considered to be a matter that can be secured by condition.
- 16.43 The Landscape Officer has also requested further amendment to the landscape proposals, such as including mown grass beneath the avenue trees to serve as a buffer with wildflower and species rich areas, and extending some areas of proposed wildflower areas (with suitable species mix used to provide foraging environments for bees and other insects). Again, this detailing can be agreed via condition in the interests of visual amenity and achieving good design.
- 16.44 With regards to trees, the application site has a number of trees, hedges and shrubs: 96 individual trees, 8 groups of trees, 6 hedges and 3 shrubs have been considered as part of the submitted Arboricultural Impact Assessment (AIA). The majority of trees on site are Category B and C trees. The revised scheme has significantly reduced the number of units onsite in order to increase tree retention. The AIA confirms that the proposed development would have an impact on existing trees and vegetation on site as follows:
- The removal of 57 individual trees, 1 tree group, 1 hedge and 1 shrub, along with the partial removal of 2 groups of trees, 4 hedges and 2 shrubs; and
 - The Root Protection Areas of trees T7, T19, T82 and T113 will be incurred into by the design layout, with specialist design considerations being required before the commencement of works.
- 16.45 In order to compensate for the loss of trees, the Landscape Strategy provides considerable tree planting, as well as shrub and hedge planting. The tree planting would be a combination of larger and medium trees, with smaller trees in incidental areas and where closer to residential properties. Evidence has been provided to demonstrate that the proposed tree planting would provide for mitigation plus a 10% uplift in tree canopy cover as required by Emerging Plan Policy CC1.

- 16.46 The Council's Arboricultural Officer has no objections to the proposed development on the basis of the information submitted. It is considered necessary to condition the AIA (to ensure that works are carried out as agreed), as well as the tree planting to provide the 10% uplift in tree canopy cover.
- 16.47 In consideration of the built character of the area, it is noted that London Road exhibits a variety of built form and architectural style due to ongoing development over a number of years (centuries). There is a mix of modest two-storey semi-detached properties, as well as much larger detached properties that are set back within their respective plots. There are also a number of more modern commercial units, such as car sales premises, garden centre, restaurants etc in close proximity to the application site. Recent residential development has also taken place at Wyvern Farm immediately east of the application site. Given the mixed character, the proposed development is not considered to have a significant or detrimental impact in that respect. In addition, the site is well-screened by trees and hedgerows so would not be a dominant presence in principal public views along London Road. The design and layout of the proposed development will be important in terms of respecting and reflecting the existing character however and this is considered in more detail below.

Layout and Design

- 16.48 In terms of housing density and diversity, Core Strategy policies H2 and H3 require developments to make efficient use of land and relate to their context. A range of housing types and tenures across the Borough is sought in order to create inclusive and sustainable communities. Emerging Policy DM10 also requires a range of housing types and tenures for the same reason. Emerging Plan Policy DM9 makes specific reference to the setting of important heritage assets; access and local road network; scope to enhance walking and cycling access to local amenities and public transport; and existing landscaping, trees, and hedgerows; matters that have been considered above.
- 16.49 With specific reference to layout requirements, Development Plan Policy DP12 sets out the specific matters to be taken into consideration (matters relating to multi-occupancy buildings have been omitted as they are not relevant to the proposed development):
- The avoidance of adverse overshadowing between buildings or over neighbouring land uses, and of other adverse microclimatic effects resulting from medium and high rise buildings at a high density;
 - Acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes;
 - Acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas;
 - Flexibility in the internal layout of dwellings to allow adaptability to different lifestyles;
 - Vehicle parking (including secure cycle and motorcycle parking) to an appropriate standard, as set by Essex County Council and policy

DP19, and provided in a visually acceptable manner. In the case of flats, secure cycle storage should be incorporated into flat blocks and readily located at the building entrances.

- 16.50 With direct reference to Policy DP12, the proposed development is not considered to result in adverse shadowing between buildings (being a predominantly two-storey housing scheme set out in a relatively spacious layout), does not include any single aspect north-facing homes, would achieve acceptable levels of privacy (respecting policy requirements in respect of back-to-back distances and garden sizes), include flexible layouts to allow for adaptability (home working space is catered for as part of several housetypes and wheelchair adaptability/accessibility will be provided as per policy requirements), and appropriate vehicle parking has been provided in accordance with policy requirements.
- 16.51 As acknowledged by the Council's Urban Designer, recent revisions to the scheme have been negotiated that have reduced grey infrastructure, mitigated prominent parking, and enhanced the enclosure of spaces. Previous revisions sought to enhance place making and house type design, as well as increase tree retention. In addition to this, revisions have incorporated appropriate frontage treatments, tree planting and surface materials which contribute to a clear road hierarchy, alongside individual character areas. The Urban Designer has commented that the revisions to the scheme have strengthened the depth of the sites' identity, road hierarchy and character areas, as well as achieve good levels of pedestrian permeability and connectivity. The proposed hard and soft landscaping also contribute establishing a sense of place and character. There remains some elements of detailed design which would be improved in order to achieve a higher standard of detailed design; it is considered that a condition could be imposed to require further details of architectural detailing to be agreed.
- 16.52 Both Essex Fire and Rescue and Essex Police have provided recommendations in respect of their requirements and these matters can be referred to as part of an informative (given that they either relate to Building Regulations or external accreditation which would not be appropriate to condition).

Amenity

- 16.53 Development Plan policy DP1 and Emerging Plan Policy DM15 require all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 16.54 The proposed development would not have an adverse impact on existing properties in the area given the significant degree of separation. The proposed dwellings are arranged with acceptable levels of back-to-back distances and policy compliant garden sizes so appropriate levels of amenity would also be achieved for new and future residents.

- 16.55 The Council's Environmental Protection team have recommended a number of conditions in the interests of protecting the amenity of existing residents: construction method statement to be agreed; set working hours for demolition and construction. These conditions are considered to be both necessary and reasonable in the interests of residential amenity. Further conditions have been recommended in respect of the new build design to ensure that the dwellings are not susceptible to undue levels of noise. This condition is also considered to be necessary and reasonable in order to protect the amenity of future residents.

Other Matters

- 16.56 Matters of climate change and environmental impact have been considered in line with the NPPF and planning policy, particularly that of the Emerging Local Plan (specifically policies CC1 and PP1). Matters of flood risk, biodiversity, tree canopy cover, sustainable transport, and green infrastructure have been assessed in the above sections and the proposed development has been considered to be acceptable in these matters, subject to mitigation and enhancement as appropriate and necessary.
- 16.57 Adopted Core Strategy Policy ER1 and Emerging Plan Policy DM25 are also relevant and confirm the Local Planning Authority's commitment to carbon reduction, which includes the promotion of efficient use of energy and resources alongside waste minimisation and recycling. An Air Quality Assessment has been submitted with the application and this has been considered by the Council's Environmental Protection team. In the interests of carbon reduction and improving air quality, it is considered appropriate to condition the provision of electric vehicle charging points throughout the scheme. In terms of the buildings themselves, these will need to meet Building Regulations requirements in terms of insulation and energy efficiency; planning policy seeks to encourage the use of the 'Home Quality Mark' so this can be promoted by way of an informative (it is not considered reasonable to impose a condition covering this point as the Home Quality Mark is not a planning policy requirement as such).
- 16.58 It is considered that local representations have been addressed in the preceding sections of this report, either as part of the assessment or by direct reference.
- 16.59 In terms of procedural matters, the Applicant has been notified of the recommended pre-commencement conditions in accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

17.0 Planning Balance and Conclusion

- 17.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the relevant policies contained in both the Council's adopted development plan and Emerging Local Plan. The NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF identifies three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase. It would also result in residents living in proximity to accessible means of employment. The social role of sustainable development is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives by providing a range of houses with appropriate green infrastructure and sustainable links to both leisure and employment facilities. In respect of the third dimension (environmental), the proposal will secure enhancement to habitats and landscape features, particularly in respect of a 10% uplift in tree canopy cover on site and a 10% biodiversity net gain onsite. There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network. The proposed development is also considered to adhere to the requirements of the relevant site allocation policy WC2. Overall it is considered the positive social and environmental benefits of the proposal, as well as the economic benefit (to a lesser extent), would weigh in favour of this scheme.
- 17.2 The proposed development would have an impact on the character of the area (by introducing development in an undeveloped field) and would have less than substantial harm on the setting of listed buildings (Catchbells and St Albright's Church). There would also be impacts in respect of biodiversity and existing trees/hedgerows. It is considered however that the proposed development provides appropriate mitigation and that the benefits of the scheme outweigh the adverse impacts identified. As such, Members are recommended to resolve to grant planning permission subject to the conditions set out below and the s106 obligations set out in section 15 of this report.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

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

to complete the agreement. Delegated authority to make non-material amendments to planning conditions. The Permission will also be subject to the following conditions:

1. Time Limit for Full Permissions

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

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

2. Approved Details

With the exception of any provisions within the following conditions, or as may be varied by the s106 Agreement, the development hereby permitted shall be carried out in accordance with the following details:

Site Location Plan (PH-130-001)
Detailed Layout (PH-130-003 Revision F)
Materials Layout (PH-130-004 Revision G)
Storey Heights (PH-130-005 Revision F)
Boundary Treatment (PH-130-007 Revision D)
Landscape Strategy (PH-130-008 Revision G)
Open Space and Phasing Plan (PH-130-009 Revision C)
Hard Surfacing (PH-130-011 Revision B)
HT Coralin (PH-130-020 Revision C)
HT Gallows (PH-130-021 Revision D)
HT Grantley (PH-130-022 Revision D)
HT Albright (PH-130-023 Revision B)
HT Bellington (PH-130-024 Revision B)
HT Hollington (PH-130-025 Revision B)
HT Kingsbury (PH-130-026 Revision C)
HT Tey (PH-130-034 Revision B)
HT Easthorpe (PH-130-035 Revision A)
HT Fordham 1 (PH-130-036 Revision A)
HT Fordham 2 (PH-130-037 Revision A)
HT Aldeham 1 (PH-130-038 Revision A)
HT Aldeham 2 (PH-130-039 Revision A)
HT Lexden 2 (PH-130-041)
HT Copford (PH-130-042 Revision A)
HT Warren (PH-130-043 Revision A)
HT Malting (PH-130-044)
Carports (PH-130-051)
Twin Garage (PH-130-050 Revision A)
Phase 1 Geoenvironmental Assessment (1516 R01 Issue 1);
Arboricultural Impact Assessment Revision C;
Acoustic Design Statement Technical Report 35288-R2;
Ecological Impact Assessment (Southern Ecological Solutions (SES), November 2020a);
Interim Ecological Impact Assessment (SES, February 2022);
Addendum to the Ecological Impact Assessment (SES, February 2022 Rev B); Biodiversity Net Gain Design Stage Report (SES, December 2021a);

Habitats Regulations Assessment Report (HRA) (SES, November 2020b).

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning. To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. Removal of Permitted Development Rights (Extensions and Outbuildings)

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

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

4. Removal of Permitted Development Rights (Enclosures)

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

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

5. Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

6. Materials

Notwithstanding the details shown on Materials Layout (PH-130-004 Revision G), the SVK Montana slate shall have a textured finish and the weatherboarding shall be featheredged weatherboarding. Any alternative materials to those shown on the drawing (including any alternatives to the Forticrete Mixed Russet roof tile) shall not be used until details (including samples as necessary) have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of good design and visual amenity, and to avoid any ambiguity as to the details approved.

7. Electric Charging Points

Notwithstanding the submitted details, each residential unit shall be provided with EV charging point infrastructure. The infrastructure shall be installed and made fully available for use prior to occupation of the unit to which it relates.

Reason: In order to accommodate and encourage the use of ultra-low emission vehicles to reduce carbon emissions in the interests of climate change and sustainability.

8. Adaptable Dwellings

Plots 1, 2, 58, 59, and 66 shall all be completed to meet M4(2) Category 2 of The Building Regulations 2010 Approved Document M (2015, as amended), as indicated on drawing PH-130-026 Revision C. No occupation of each of these plots shall take place until a Building Regulations Completion Certificate (to demonstrate that the plot meets M4(2) Category 2) has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to achieve high standards of design and provide adaptable and accessible housing.

9. Construction Method Statement and Traffic Management Plan

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

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

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

10. Construction Environmental Management Plan for Biodiversity

No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities i.e. to retained habitats either physically or via lighting, as well as to protected and Priority species i.e. Badger, Bats.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices i.e. soft fell of trees with Low roost potential, precautionary measures for Badger (including pre-commencement update survey), Hedgehog and Harvest Mouse, nesting bird checks, restoration of pond including fingertip search for GCN) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

11. Surface Water Drainage During Construction

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

Reason: To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

12. Archaeological Investigation

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

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

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

13. Contaminated Land (Site Characterisation)

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.

14. Contaminated Land (Submission of Remediation Scheme)

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.

15. Contaminated Land (Implementation of Approved Remediation Scheme)

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.

16. Ecological Design Strategy for Bats

No works shall take place until an ecological design strategy (EDS) for bats addressing the further surveys required to inform the detailed mitigation, compensation and enhancements required to mitigate for the loss of roost opportunities on site has been submitted to and approved in writing by the local planning authority. Further supplementary ecological surveys for roosting bats in trees to be lost to the development shall be undertaken to inform the preparation and implementation of ecological measures required through Conditions 18 and 19. The supplementary surveys shall be of an appropriate type for roosting bats in trees and survey methods shall follow national good practice guidelines."

The EDS for bats shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints – to include updated further surveys in line with BCT guidelines.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives to include: soft fell of trees with Low roost potential, translocation of sectioned roost features where possible, minimum of one replacement bat box for each tree/feature lost with roost potential (whichever is greater), a range of bat box designs suited to a variety of species and roost types.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance within attenuation basin, woodland, hedgerows and restored pond.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare and long-term maintenance.
- h) Details for monitoring and remedial measures.
- i) Details for disposal of any wastes arising from works.

The EDS for bats shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

17. Reptile Mitigation Strategy

No works shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority, to follow advice provided within the Addendum to the Ecological Impact Assessment (SES, February 2022 Rev B).

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

18. Biodiversity Enhancement Strategy

No works shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy, shall as a minimum include: pond restoration, woodland restoration, hedgerow enhancement and creation, attenuation basin creation, tree planting, wildflower grasslands, woodland buffer, standards planted for 'hop-over' either side of site access, a range of bird boxes – 26, 28 and 32mm boxes, open fronted nest boxes, stock dove box and sparrow terraces, hibernacula, hedgehog homes and connectivity measures.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

19. Landscape and Ecological Management Plan

No works shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management i.e. to benefit breeding and wintering birds, reptiles, bats, badger, GCN and Priority mammals.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

20. Surface Water Drainage Scheme

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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 4.5l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation

Reason: To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

21. Wildlife Sensitive Lighting Scheme

No works shall commence on each phase of the development (as shown on Phasing Plan PH-130-009 Revision C) until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats / nocturnal species and that are likely to cause disturbance along important routes used for foraging / commuting; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats / nocturnal animals using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

22. Landscape Works

Notwithstanding the submitted details, no works shall take place above ground floor slab level on each phase of the development as per Phasing Plan PH-130-009 Revision C until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development within the respective phase unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Vehicle/Pedestrian/Cycle access points through agreed weak points in the hedgerows enclosing the site, to be informed by a detailed arboricultural survey.
- Details of hedge planting and gapping up (particularly in respect of the existing field hedge to the eastern boundary of the site which should be cleared of bramble and deadwood and gapped up with native hedging).
- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.
- Car parking layouts and other vehicle and pedestrian access and circulation areas.
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Sight lines, ensuring any part of an existing hedge with a its centre-line within 500mm of the sight line is proposed for removal and replacement behind the line.
- Planting plans (drainage and building foundation detailing shall take account of the position of the trees as so indicated). The plans should include revisions to show mown grass applied either side of the main spine road beneath the avenue tree planting (as a 1m boundary strip to wildflower/species rich grassed areas) and a revision of the proposed 'native wildflower seeding' to wildflower species and rich grasses, being also extended to the south of the SUDs basin.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate (including details to demonstrate 10% uplift in tree canopy cover on the basis of the SES Canopy Area letter dated 21st December 2021 and Persimmon email dated 11th January 2022 14:09).
- Implementation timetables and monitoring programs.

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

23. Architectural Detailing

Notwithstanding the details submitted, no works shall take place (above ground floor slab level in each phase of the development as shown on Phasing Plan PH-130-009 Revision C) until additional drawings (at scales between 1:20 and 1:1) that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include window detailing (including details of the depth of reveal and any dormer features); rooflights to be used; chimneys; recessed/projecting/decorative brickwork and cladding; blank and faux windows; Juliet balconies; and any eaves, verge, ridge, and guttering details. The development shall then be implemented in accordance with the approved drawings.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design in the interests of visual amenity.

24. Utilities

No works shall take place (above ground floor slab level in each phase of the development as shown on Phasing Plan PH-130-009 Revision C) until details of all new extract ducts, vents, grilles and meter housings have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of good design and visual amenity as insufficient detail has been submitted with the application.

25. Details of Utilities Structures

No works to construct any utility structures (for example, pumping station or electrical cabinets) on site shall take place until details have first been submitted to and agreed in writing by the Local Planning Authority. The details shall include site location, floor plans, elevations, and details of materials to be used. The structures shall then be constructed and installed and approved.

Reason: In the interests of good design and amenity as insufficient details have been submitted with the application.

26. Surface Water Drainage Management and Maintenance

No occupation of the development shall take place until a surface water drainage management and maintenance plan detailing the maintenance arrangements (including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies) has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The management and maintenance of the surface water drainage scheme shall then be undertaken as agreed.

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 and pollution hazard.

27. Landscape Management Plan

No occupation of the development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens has been submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

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

28. Highway Works

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

- a) A priority junction off London Road to provide vehicular and pedestrian access to the proposal site. Priority junction shall have but not limited to a minimum 2.4 x 43 metre visibility splay in both directions as measured along the nearside edge of the Port Lane carriageway
- b) Upgrade to Essex County Council specification the two bus stops which would best serve the proposal site, with details first having been submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the development
- c) Improvements to Public Footpath 27 Stanway, with details first having been submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development
- d) Residential Travel Information Packs in accordance with Essex County Council guidance

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

29. Details of Cycle Storage

No occupation shall take place in each phase of the development hereby permitted (as shown on Phasing Plan PH-130-009 Revision C) until cycle parking for at least 1 no. bicycle per dwelling has been laid out within the site in accordance with details that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The agreed cycle parking provisions shall thereafter be maintained and made available for this use at all times.

Reason: There is insufficient detail shown to ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied.

30. Street Name Signs

No occupation shall take place in each phase of the development (as shown on Phasing Plan PH-130-009 Revision C) until street name signs have been installed at the junction of the new highway with the existing road network.

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

31. Contaminated Land (Validation Certificate)

Prior to the first occupation of any of the dwellings in each phase of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Conditions 14 and 15.

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.

32. Unexpected Contamination

In the event that contamination that was not previously identified is found at any time when carrying out the approved development, 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 the Local Planning Authority and where remediation is necessary, a remediation scheme must be prepared, in accordance with the requirements of, and 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 the approved remediation scheme.

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

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

19.0 Informatives

19.1 The following informatives are also recommended:

1. Advisory Note on Construction & Demolition

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

2. Informative on Conditions Stating Prior to Commencement/Occupation

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

3. Informative on Any Application With a Site Notice

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

4. Surface Water Drainage:

You may require ordinary watercourse consent, please see the following link:

<https://www.essexdesignguide.co.uk/suds/further-guidance/ordinary-watercourse-consent/>

It is recommended that you consider the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

5.Landscape

Detailed landscape proposals should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape [webpage: https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169](https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169) under Landscape Consultancy by clicking the 'read our guidance' link).

6.Secure By Design

Essex Police recommend that the applicant/developer incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.

Essex Police is able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and is invited to contact Essex Police via designingoutcrime@essex.police.uk .

7.Fire Service

- The applicant/developer is advised that additional water supplies for fire fighting may be necessary for this development. The applicant/developer is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.
- There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. ECFRS also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

8.Anglian Water

- Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
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- Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.