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Item No: 7.1

Application: 201236

Applicant: Ms S Harrison

Agent: Mr Roger Hayward, Fenn Wright

Proposal: Outline application for the erection of up to 49 houses and associated highway works.

Location: Hall Road, Copford, Colchester

Ward: Marks Tey & Layer

Officer: James Ryan

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application is a departure from the adopted local plan and it is a major application where a legal agreement will be required.

2.0 Synopsis

- 2.1 The key issues for consideration is the principle of the development on a site that is outside of the defined development boundary in the adopted Local Plan but allocated for development in the in the Emerging Local Plan. The highway implications of the scheme are also key as access is a matter for consideration now.
- 2.2 The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 The site, approximately 2ha, is situated to the east of the village of Copford and comprises agricultural land currently under arable production. The area, which is irregular in shape but broadly square, sits behind existing dwellings which front onto the London Road and lies to the west of Hall Road. A public right of way runs along the western boundary.
- 3.2 The site is bounded by existing dwellings to the north, north east and north west, whilst the southern aspect is open to adjoining arable land.

4.0 Description of the Proposal

- 4.1 Outline planning approval is sought for the erection of up to 49 houses and associated highway works. All matters apart from access are reserved for future consideration, those being Layout, Landscaping, Appearance and Scale.

5.0 Land Use Allocation

- 5.1 Agricultural Land

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

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

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities
- ER1 - Energy, Resources, Waste, Water and Recycling

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

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP25 Renewable Energy

7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies should be taken into account in the decision making process. This site is not allocated in the adopted local plan.

7.5 The area does not have a Neighbourhood Plan.

7.6 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate for examination (October 2017). In particular emerging policy SS4 is relevant and this will be discussed in the main body of the report.

An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

7.7 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
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

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 objection raised, informatives requested.

8.3 Archaeology

A trial-trenched evaluation was undertaken of this proposed development site in 2016 by Archaeology South-East (HER Event no. ECC3878; ASE Report 2016371) and this followed a geophysical survey (HER Event no. ECC3882). Below-ground archaeological remains dating to the Iron Age period were defined by this work. Groundworks relating to any development have the potential to disturb and damage any archaeological remains.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8.4 Cadent Gas

No objection.

8.5 Contaminated Land

It has been concluded that the site could be redeveloped for the proposed residential use, with the requirement for gas mitigation measures still to be subject to further investigation/monitoring. Based on all the information provided to date, this conclusion would appear reasonable.

It would appear that this site could be made suitable for the proposed residential use, with the recommended ground gas risk assessment and any necessary mitigation measures addressed by way of planning condition(s).

8.6 Environmental Protection

No objection, conditions requested.

8.7 Environment Agency

No comment received.

8.8 Essex Police

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision. Essex Police would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledge and police recommended Secure By Design accreditation. (*Officer note: This can be secured through the reserved matters applications*)

8.9 Historic Buildings and Areas

No objection to the scheme but noted that scheme will cause less than substantial harm to the setting of the Grade ii Listed Brewers Cottage and at reserved matters stage this needs to be taken into consideration. The indicative layout is not acceptable in this respect. (*Officer note: The layout is a reserved matter and mitigation can be secured through the detailed layout*)

8.10 Landscape Advisor

No objection in principle but design changes are needed at reserved matters stage.

8.11 LLFA

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

8.12 Natural England

No objection subject to securing RAMS contribution if required by the LPA's Appropriate Assessment.

8.13 North Essex Badger Group

I have read through the Ecological Assessment and would point out that there are several badger locations around the proposed development which they are probably not aware of, and the site is regularly accessed by foraging badgers. Should this Application be approved, we would ask in the first instance, that care should be taken when clearing the boundaries. Secondly, we would suggest that once work begins, open excavations are covered at night to avoid any foraging badger falling down and being unable to exit.

8.14 Trees

I am in agreement with the tree survey element of the report provided.

The internal layout of the site also needs to be reviewed. Where trees are close to the built form, particularly in the Northern Boundary/North West corner of the site redesign will be required to give more space to comply DP1 & UR2. (*Officer note: This can be secured through the reserved matters applications*)

8.15 Urban Design

Objects to scheme for a number of reasons – see main body of report. (*Officer note: These matters can be resolved through the reserved matters applications*)

8.16 Essex County Highways

Comment that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions and informatives.

9.0 **Parish Council Response**

9.1 The Parish Council have objected to the scheme. The full objection is very detailed and can be read online but in summary:

Hall Road is a 'call for sites' allocated site CBC. Why is it the subject of an Outline Planning Permission now when LP2 has not yet been examined? The current Borough Local Plan is still in operation until the end of 2021 and within this there is no housing allocation for Copford. This planning application is opportunistic, speculative and premature.

Other main reasons for objections:

- Vehicle access/egress from Hall Road to London Road
- Pedestrian/vehicle safety in Hall Road due the 'shared' surface and narrow road
- Number of houses proposed does not work with Hall Road width
- Privacy issues for nearby homes
- Negative impact on historic Grade 2 listed home, and its setting, also on nearby homes
- Negative impact on local landscape - LOWS Conservation area
- Urban sprawl design of homes in a rural area
- Flooding risk on development site
- Possibility of Ground gas
- Negative impact on possible Archaeological remains
- Urban Design Consultation Comments

9.2 Copford with Easthorpe Parish Council strongly objects to this application.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighboring properties. In response 128 objections were received, some from the same address. A support representation was also received. A number of the representation were very detailed and it is beyond the scope of this report to reproduce them all in full but the full text of all of the representations received is available to view on the Council's website. However, a summary of the objections raised is given below.

- The Emerging Plan has not been Examined yet.
- This scheme is premature.
- The site should not have been allocated.
- It will be visually intrusive.
- Other sites were preferable to this one, for example the car boot sale site north of London Road.
- The scheme undermines the Emerging Plan.
- The Council should be confident in it's five-year housing supply.
- The Council should wait for the garden communities.
- Copford is at capacity.
- The Highway network can't cope.
- The Transport Statement is inaccurate.
- The site exceeds the 25 dwellings a shared surface can have.
- Hall Road is a narrow rural lane, not a road, and its intensification is not appropriate.
- Hall Road is used by walkers, runners and cyclists.
- London Road is extremely busy.
- There are lots of other developments in the area so we don't need this this one too.
- The other facilities in the area can't cope, for example schools/doctors/dentists.
- The sewage treatment works cant cope and wont cope with this.
- Harm to setting of listed buildings.
- We were led to believe this site would not be built on.
- The Emergency services are already under pressure.
- The local schools are oversubscribed.
- We don't need any more dwellings.
- 49 is too many dwellings.
- Is this needed in the post Coivd-19 world?
- I endorse all the suggested objections in the newsletter.
- This will result in 100 more cars in the areas which is unacceptable.
- This is developer profit over everything else.
- Is nothing sacred anymore?
- The needs of local families and the wider community are not being considered here.
- The scheme is not in-keeping with the area.
- The applicants have ignored the pre-app advice.

- This is low density development when we should be promoting high density development in more urban areas.
- The density is too high, there should be no more than 25 dwellings.
- The scheme comprises overdevelopment.
- The modern house types are not appropriate in this area.
- Bungalows are needed.
- This is urban sprawl.
- Scheme will be materially harmful to my amenity.
- Light from headlight will be materially harmful.
- Loss of good agricultural land which is actively farmed for food.
- The consultation exercise has not changed anything.
- The water treatment plant cannot cope with 49 more houses.
- The Doctor's surgery can't cope and is highly oversubscribed.
- This will destroy wildlife/ecological impact.
- Loss of important trees.
- Flooding and drainage issues.
- Harm to Archaeology
- Increased off site flood risk.
- How would this scheme be built out without compromising the access to the existing dwellings on Hall Road.
- The design is poor as shown by the Council's own Urban Designer.
- Please see our representation to the Emerging Policy (this is addressed in the principle section of the report below).
- I support the scheme but note a number of concerns some of which are fundamental to the acceptability of the scheme.

11.0 Parking Provision

11.1 This scheme is an application for outline permission only but there is sufficient space to ensure that all dwellings will enjoy parking space numbers that comply with adopted standards; including on site visitor parking provision.

12.0 Accessibility

12.1 At reserved matters stage the scheme will be able to deliver a scheme that is sufficiently accessible to enable the proposal to comply with the Emerging Policy in that regard. The affordable housing request in the 'Development Team' section below sets out what accessibility standards are required and it can be seen that the affordable dwellings meet these requirements (it is appreciated that this may change along with a change in layout however).

13.0 Open Space Provisions

13.1 The site is of a sufficient size to provide 10% on site open space which can be secured at reserved matters stage.

14.0 Air Quality

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

15.0 Planning Obligations

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

The scheme was discussed at the 9/7/2020 Development Team and the following requests were made:

Archaeology - £17,553 Contingent on finds:

£14,400 for museum quality display case, design and display material £2,400 for an interpretation panel

£753 for enhancement of the Colchester HER £348 will be required if no archaeological remains are affected by the development, to integrate the information from the archaeological resource.

Communities - £88,200 Project - Copford Village Hall: Needs new flooring, upgrade to kitchen facilities, new lighting, decoration and car park resurfacing. Estimated £40K Alma Community Shop and Hub: The pub created a not for profit community hub during the COVID pandemic and aim to continue to provide the services in partnership with the parish council and local volunteers. Estimates for conversion of the outbuilding are £45K

NHS - No contribution request due to numbers of units falling below our threshold of 50.

Housing – The development is proposed to deliver 49 dwellings on a site which is an emerging allocation, where 30% affordable housing will apply. The affordable housing proposed as it is, is not acceptable because the affordable housing is heavily weighted to the two bed dwellings. The table below sets out what has been proposed and also the affordable housing requested which will deliver a more balanced mix of affordable housing which can be suitable for a range of family sizes.

Dwelling Type	No. Dwellings	Affordable Proposed	30% Policy Requirement	Affordable Requested
Two Bed House	11	9	3.3	5
Three bed House	26	6	7.8	8
Four Bed House	12	0	3.6	2
	49	15	14.7	17

The layout of the dwellings is not available at this stage, but as the affordable three bed houses that have been offered are 102 sqm, I would suggest that it is designed to suit a family of 6 persons. The smallest four bed is 116sqm. I would suggest that the layout is designed to suit a family of 7 persons, or if the size of the four bed is to be reduced down to around 106 sqm, this will be in line with nationally described space standards for a family of 6 persons and would also be acceptable. A four bed 6 person house could be more suitable to house a family where there are children in the household of mixed sexes where they are above the age where they can share a bedroom.

The tenure mix would be expected at no less than 80% for affordable rent and no more than 20% intermediate (shared ownership). This would be the equivalent of no more than 3 dwellings as shared ownership. The shared ownership can be a combination of the two and three bed dwellings.

All affordable dwellings are being designed to meet Part M4 Cat 2 which is in line with policy and all dwellings meet or exceed the nationally described space standards which indicates they are of a good size. A level access shower had previously been requested for one of the Cat 2 dwellings. This is no longer requested as through internal discussions with the allocations team and occupation therapist, it has been concluded that Cat 3 homes are better suited for the provision of level access showers.

Highways – The improvements to Hall Road are required to provide a safe means of access to the proposal site for vehicles, cyclists and pedestrians.

- a) Upgrade to current ECC specification of the two bus stops which would best serve the proposal site (details to be agreed)
- b) Improvements to Public Footpath Copford 2 between the proposal site and London Road (details to be agreed)
- c) Residential Travel Information Packs in accordance with ECC guidance Requirements conditioned and delivered either as part of the site or by a S278 agreement

Parks & Recreation - £294,296 offsite contribution.

We would seek LEAP children's playground to be provided. If adopted a maintenance contribution of £22,772.50

Project - Access and pathway improvements to provide a DDA pathway/gates/car park which is suitable for wheelchair and mobility users from the new development to Copford Pits Wood (Copford Pits Wood Trust) and Copford Village Hall.(Copford Parish Council). @£222,607.00. Based on an access survey of Pits Wood carried out in October 19. Playground improvements to the play equipment at Copford Village Hall Open Space if no on-site provision. @£71,689.00 Supports the Copford Pits Wood Open to All project which also includes a changing places toilet. (see Communities requests) Projects subject to consultation with voluntary groups, trustees and Parish Council.

(It is noted that the Parks and Recreation Spend Purpose is subject to change and this is still open to discussion.

Education – £486, 834.60

No EY&C contribution required.

This development would sit within the Priority Admissions Area of Copford CE Primary School, which has a Published Admission Number of 30 pupils per year. Due to demand, the school has taken over this number in some years and, as of January, had a total of 214 children on roll. The school currently relies upon temporary classbases to accommodate this number. Any further development in the village adds to the case for additional permanent accommodation to be built.

The closest secondary school to this development would be The Stanway School. The school increased their published admission number to 280 in 2018 and last September took slightly over this number. As set out in the Essex School Organisation Service's 10 Year Plan to meet demand for school places, demand for secondary school places in Colchester (Group 1) is increasing. Despite the next cohort being a relatively small year, The Stanway is again expected to fill and already has a waiting list.

14.70 multiplied by £17,268 = £253,839.60

9.80 multiplied by £23,775 = £232,995.00

Indexation from April 2020 is requested.

16.0 Report

Material Planning Considerations

Principle of Development

Introduction

The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging Local Plan are relevant. The relationship of the proposal to each of those plans and the compliance of relevant adopted and emerging policies with the 2019 NPPF are accordingly key variables in assessing the planning balance. The Council considers that it has a 5-year housing land supply and therefore there is no need to apply the tilted balance principle.

It is considered that the fundamental principles of both the Adopted and Emerging Local Plans are compliant with the new NPPF. The analysis below will consider whether there are any relevant non-compliant elements of CBC policy with the NPPF that justify a reduction in the weight to be given to the policy in assessing the planning balance in this case. For the Emerging Local Plan, the following analysis reflects the NPPF criteria on the weight to be given to policies, which depends on the stage of preparation of the plan; the extent to

which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the Framework (see paragraph 48). In terms of the first criteria, the ELP is in the examination stage so can be given some weight

Copford are also preparing a Neighbourhood Plan although in the early stages of preparation having recommenced work in 2018, so no weight can be applied in the context of the Development Plan.

Adopted Local Plan

The NPPF continues to support the Policy approach in the Adopted Local Plan in principle, in respect of the key policies on settlement hierarchy relevant to this proposal, SD1 and ENV1. As the Council is able to demonstrate a 5 year housing land supply these policies are relevant to the decision making on this proposal. Policy SD1 accords with Paragraphs 10-12 of the 2019 NPPF which provide for a presumption in favour of sustainable development. Policy SD1 is consistent with the NPPF's approach to decision-taking which entails approving proposals that accord with the Local Plan unless material considerations indicate otherwise, and which involves the LPA working proactively with applicants. It is noted, however, that the housing and jobs target provided in the policy no longer remain current. Whilst the supply figure itself may be out of date the principle of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded. SD1 includes Copford as a 'Rural Communities' which lies at the bottom of the spatial hierarchy.

Since the proposal falls outside the settlement boundary for Copford, policy ENV1 covering the countryside outside settlement boundaries is relevant. The requirements of policy ENV1 for the conservation and enhancement of Colchester's natural and historic environment is in accordance with paragraph 170 which clearly recognises the intrinsic character and beauty of the countryside and demonstrates that planning policies should contribute to and enhance the natural local environment via protection, maintenance, and preventing unacceptable risk. It is considered that the criteria-based approach of ENV1 accords with the more flexible approach to countryside development adopted in the NPPF.

Based on the protection afforded to land outside Settlement Boundaries (SBs) and outside of the most sustainable locations in SD1 and ENV1, the proposal is not considered to be compliant with these policies. While Policy ENV2 on rural communities covers rural exception sites, it is of no relevance to this specific proposal which is not based on the rural exception principle. Other policies are relevant to the proposal including those relating to affordable housing and design and layout, which will be dealt with in the relevant section.

Emerging Local Plan (ELP)

The NPPF also advocates consideration of other factors including emerging local plans which can be afforded weight when they reach an advanced stage of preparation. In this respect Paragraph 48 states that authorities may give weight to emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies (and the significance of these objections - the less significant the greater the weight that can be given) and the degree of consistency of the relevant policies to the NPPF (the closer the policies are to policies in the NPPF the greater the weight that may be given). Testing these criteria will inform the judgement about the weight which should be afforded to the Emerging Local Plan in this case.

In terms of Paragraph 48(a) of the NPPF the ELP is considered to be at an advanced stage having been submitted in 2017 with examination commenced in January 2018. A technical consultation was undertaken from 19 August to 30 September 2019. This consultation was limited to the additional evidence base documents including SA, requested by the Inspector in relation to section 1. Further examination hearing sessions are scheduled from 14 January to 30 January 2020.

Amongst other matters, the ELP seeks to allocate additional land to meet the housing targets up to 2033 of 920 homes per year on sites which are in accordance with the revised Spatial Strategy (SG1).

Copford is identified as a Sustainable Settlement in the spatial strategy. As such policy SS4 proposes the allocation of land for 120 dwellings on 2 sites in Copford. Land West of Hall Road is allocated to provide 50 dwellings and Land East of Queensberry Avenue to provide for 70 dwellings.

The proposed allocation policy SS4 is of particular relevance providing a different policy context than the Adopted Local Plan. The policy wording is set out below:

SS4: Copford

West of Hall Road

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

- (i) Up to 50 new dwellings of a mix and type of housing to be compatible with surrounding development;*
- (ii) A single site access via Hall Road;*
- (iii) Detailed flood modelling to assess flood risk at Hall Road from Roman River; and*
- (iv) A safe pedestrian footway agreed with the Highways Authority from the site to London Road to enhance connectivity with Copford.*

(v) A design and layout which complements the listed buildings and their setting as well as any archaeological assets.

The Spatial Strategy Policy SG1 and Policy SS4 are aligned with the NPPF as follows:

- Paragraphs 15 and 16 reinforce that development should be plan led and contribute to the achievement of sustainable development.
- Paragraphs 18 and 28 outline that Local Plans should include non-strategic policies which provide more detail for specific areas and types of development.
- Paragraph 59 reiterates the Government objective of increasing the supply of homes.
- Policy SS4 is one of a number which allocates sites for residential dwellings within Sustainable Settlements as identified by the Spatial Strategy.

The key policies in the Emerging Local Plan relevant to this scheme are accordingly considered to be highly consistent with the NPPF and should therefore in respect of paragraph 48(c), be afforded considerable weight.

The final issue to be considered when determining the weight to be afforded to the ELP is the level of unresolved objection to the relevant policies. Accordingly, further consideration of the issues raised in representations to Policy SS4 is necessary to guide the judgement of the weight which should be given to the emerging policy in this case. There were 38 representations received to Policy SS4. A report was also received from the VOICE Group (Village opinions in Copford and Easthorpe) supported by 221 residents and endorsed by a further 5 respondents. The key issues raised are summarised below:

Development in Copford

- Limited facilities in Copford - oversubscribed schools, no health facilities, lack of shops, post office, lack of employment provision, lack of green and open space including playing fields
- Issues with existing infrastructure capacity including sewage and water capacity, local road network and rail services
- Threat to Forest School and green environment of agricultural fields
- Air quality and health impacts (particularly from increased traffic)
- Proposed sites are not in the right location - north and east of Copford, no provision in Copford Green or Easthorpe
- Growth for Copford exceeds all other village developments
- Poor engagement and publicity of Local Plan, with previous comments not considered.
- Promotion of alternative sites, including Former Car Boot Site, London Road by VOICE Group and others.

Land West of Hall Road allocation

- Developer support for the allocation.
- Brownfield sites in the village should be considered first.
- Hall Road unsuitable to serve a development of 50 additional houses, unable to support two car width road with pavement and visibility concerns of turning right out of Hall Road into London Road at peak times particularly.
- London Road already congested, issues with parking and air quality concerns.
- Hall Road is an important local pedestrian route and bridleway which is designated as a Protected Lane in the adopted Local Plan.
- Impact to listed buildings and archaeological site (Iron Age remains may be present on site)
- Hall Road is a historic route and has recently been deallocated as a historic land status, during the preparation of the Local Plan.
- Existing capacity issues at sewage facility, development would require connection to main Colchester system.
- Existing sewage facility causing odour and air quality impacts.
- Not well placed in relation to secondary school, health services, shops, libraries and Marks Tey Station.
- Existing developments at London Road already pressure on local facilities, roads, traffic flow and other issues. Further development in this area along with the Garden Village at West Tey is not appropriate.
- Hall Road development would infringe on sports provision.
- Impact to existing biodiversity, birds and wildlife particularly to Roman River, Pits Wood (LoWS) and Copford Wood
- Hall Road site has been under an environmental stewardship scheme to help increase biodiversity (agricultural land)
- Hall Road and Hall Lane are full of wildlife and accessed via local people encompasses village life to engage in walking, cycling and other leisure activities would result in a major local amenity impact.
- Development will threaten setting of Copford Green Conservation Area and does not recognise importance of Roman River Valley Conservation Area.
- Development would remove the break between large scale developments off London Road, would result in the merging of Copford Village with Colchester.
- Historic flooding to the north west corner of the site on several occasions.
- Impact to air, water and soil quality are uncertain as outlined the SA.
- Development would set a precedent for further applications to extend the built area further to the south and south east of Copford.
- Current housing development in area is of ribbon type and not built up as stated at paragraph 14.149

- Highways England - Copford and Copford Green development of the scale proposed is unlikely, on its own, to have a severe impact on the strategic road network.
- Copford with Easthorpe Parish Council - welcome reduction in housing numbers for 180 to 120 but does not result in improved local infrastructure. Supports intention of protecting green spaces, but suggest Car Boot site for 40 units as alternative to other sites. Two locations proposed are amongst worst fit although consideration of other sites off School Road could provide similar level of housing and less issues than those proposed.

It is considered by the Council that the scale of development proposed at Copford through the Emerging Local Plan is consistent with the level of development proposed for other Sustainable Settlements. However, there were a high number of representations to the Regulation 19 Local Plan Consultation, including the promotion of a number of alternative sites; most frequently the former Car Boot Sales field, London Road.

The Council are also aware that there have been contamination issues historically in the Copford area. As per ELP Policy ENV5, this will require specialist consideration and investigation to inform a planning application. It is noted that Environmental Protection did not raise any concerns on this issue in their response to this planning application.

The Council need to consider whether the proposed development is able to address these objections in order for these to be considered resolved, in line with paragraph 48 of the NPPF. The policy requirements in ELP Policy SS4 and other relevant policies, provide the framework to do this to ensure ecological, agricultural and heritage assets are addressed with the necessary mitigation. There is also a requirement to consider infrastructure requirements including wastewater treatment and sewage infrastructure as required by ELP Policy PP1.

The key concerns regarding infrastructure capacity appear to be related to the local road network and access road, education, sewage and water capacity and flood risk. In order to resolve a number of these responses, the view of the relevant infrastructure providers will therefore be an important consideration in weighing up the balance to be afforded to these issues. The most relevant agencies are listed below:

- Essex County Council - Highways Authority;
- Highways England;
- Environment Agency;
- Anglian Water;
- Essex County Council - Local Education Authority; and
- Essex County Council - Lead Local Flood Authority.

The Colchester Water Cycle Study (AECOM, 2016) to support the ELP, provides a RAG rating for each proposed site in terms of wastewater and water supply network. The Hall Road, Copford site are scored with an 'amber' rating for both assessments. An amber rating for wastewater network concludes that "*Pumping*

station or pipe size may restrict growth, or non sewerred areas, where there is a lack of infrastructure: a pre-development enquiry is recommended before planning permission is granted". An amber rating for water supply concludes that "infrastructure and/or treatment upgrades required to serve proposed growth or diversion of assets may be required."

The response from Infrastructure providers to planning applications and the Local Plan is the best measure of the extent to which there is capacity for the planned growth. This also provides the context for considering whether any objections to the Local Plan proposals remain unresolved. The responses from the relevant infrastructure providers is therefore an essential element in determining the balance and the weight to be afforded to the ELP. In the event that either support/no objection or appropriate mitigation is available from all relevant infrastructure providers, this would suggest that there was capacity for the growth proposed, and any objections lodged against the proposed allocation in the ELP are capable of being resolved and this is the case.

Planning Balance

The Adopted Local Plan did not include the proposal site as an allocation and the proposal is therefore contrary to policies SD1 and ENV1 restricting development outside of development boundaries. Both policies are considered to be up-to-date in so far as they relate to the proposal.

It is also the case that the Council is able to demonstrate it has a 5- year housing land supply. The Council's latest published Annual Housing Position Statement (April 2020) demonstrates a housing supply of 5.4 years based on an annual target of 1,078 dwellings which is calculated using the Standard Methodology. This equates to a need for 5,659 dwellings over the 5 year period when a 5% buffer is added. We can demonstrate 6,108 dwellings. This relates to the current monitoring period which covers the period 1.4.20 to 31.3.25. The Council's 5-year supply has been tested at appeal and found to be robust.

As the Council is able to demonstrate a 5- year Housing Land Supply, paragraph 11(d) of the NPPF is not engaged.

It is also relevant to consider the extent to which the application is compliant with the ELP. Policy support for any proposal is unlikely to be afforded unless it is fully compliant with all of the relevant emerging policy requirements as indicated in the ELP. In this case, there are not specific infrastructure requirements listed in the allocation policy (SS4), these are addressed in other policies such as PP1 (infrastructure and mitigation requirements) and DM8 (affordable housing) in the ELP. However, concerns regarding infrastructure capacity of the proposed site have been raised to Policy SS4.

The allocation policy in the ELP for the site at Hall Road, Copford includes a range of requirements including a single access road and pedestrian footway and consideration of the listed buildings and their setting and archaeological assets; with other policies in the plan requiring acceptable measures which would include ensuring any development was of an acceptable design and layout and

appropriately landscaped for example. A scheme of 49 units at this site which is fully policy compliant in respect of all relevant ELP policies, is likely to be able to satisfactorily mitigate against the impacts raised in the objection to the ELP which are specific to this site.

The Council is increasingly faced with applications for speculative development on sites which are not allocated in the Adopted or ELP, including a number of these going to Appeal. A number of speculative applications have been made in other Sustainable Settlements, including Tiptree and West Bergholt. It is anticipated that pressure from speculative development is only likely to increase until the Emerging Local Plan has been Adopted in locations throughout the Borough, which could include Copford. Therefore, a pragmatic approach to proposed allocations is required. It is preferable to allow schemes on allocations in the Emerging Local Plan where they are policy compliant. The Emerging Local Plan allocations have been through a Sustainability Appraisal, public consultation and other rigorous assessment as part of the Local Plan process. Whereas speculative proposals are usually, in locations which received less favourable Sustainability Appraisal/or other assessment or, have not been through such assessments as part of the Local Plan process.

The ELP is considered to be relevant to this proposal since it changes the planning context for the site through a proposed site allocation. It makes up one of two sites proposed to accommodate planned growth for Copford with the key requirements set out in Policy SS4. In respect of Paragraph 48 of the NPPF, it is considered that the ELP can be given weight due to its stage of preparation and consistency with the NPPF. The final consideration in the weight to be given to the ELP is the level to which representations can be resolved. It is noted that objections made to the proposal at the Local Plan stage have continued with a large number of objections at the planning application stage. Weighing up the weight to be given to these concerns involves consideration of the responses by the infrastructure providers and Council's specialists to a planning application to determine if there is capacity for the development with mitigation where appropriate. In this instance, while it is noted that statutory providers are largely satisfied with the level of infrastructure to be provided, subject to condition, the Council's Urban Designer continues to raise significant objections to the scheme on design, access, visual amenity, layout and architecture which compromise the extent to which the proposal meet policy requirements but as an outline proposal is not held to be reasonable to refuse this scheme on the basis of design which can be dealt with at reserved matters stage. On that basis the scheme is held to be acceptable in principle.

Highways

Aside from the principle of development, the only matter for approval at this stage is the access. It is therefore also important to consider the impact on the highway network.

Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements).

The highway works as set out on the plans that accompany the application and make up the Transport Assessment have been carefully considered by the Highway Authority. They do not object to the scheme on the basis that the internal layout is for future consideration, subject to a number of conditions that have been suggested at the end of this report.

This scheme will require some improvements to the Hall Road/London Road junction and to do this a number of trees will need to be removed to improve the currently poor vehicular visibility – in particular the visibility east when exiting Hall Road onto London Road in either direction. The arboriculture implications of this are discussed in the relevant section below.

There have been some detailed comments about the acceptability of the highway geometry proposed, For example:

“The access design proposed is substandard. The Essex Design Guide Street Type Table 6.1 requires 5.5m carriageway plus 2 no 2m footpaths as shown in the submitted site plan. Yet the access from London Road relies on a section of adopted highway restricted to a total width of 5.3m including one 1.2m footpath with a crossover and with no effective physical demarcation from the carriageway. Two modern cars (combined width including mirrors an average of 4.2m with zero separation between them) cannot pass without overrunning the footpath. A large van is 2.4m wide including mirrors. 25mm high kerbs are proposed (intentionally to permit overrunning) which will imply a priority to vehicles and deter pedestrians and cyclists therefore not promoting the use of public transport, contrary to policy. Footpath overrun areas are normally only provided for service vehicles with deterrent paving for other vehicles. The proposed design effectively encourages overrunning of the already substandard width single footpath by vehicles. Reference is only made to the Street Manual to justify minimal widths and only considers the concept of "Movement" with no regard to "Place". There is no reference in the design to avoid disability discrimination.”

The applicants argue that it is accepted that the current proposed highway works to Hall Road do not adhere to the Essex Residential Design Guide (2018) for a Type E Access Road that provides design parameters for roads serving development between 25 to 200 dwellings in a cul-de-sac format. However, this is a 'Guide' not a definitive highway design document such as that set out in the

Design Manual for Roads and Bridges for Trunk Roads. Should the highway authority allow it, relaxations to the design parameters set out in the Design Guide can be acceptable. As set out in Manual for Streets 2 in section 3.2 'Design Guidance and Professional Judgement' in respect to the use of adhering to guidance, it states:

"3.2.1 For some time there have been concerns expressed over designers slavishly adhering to guidance regardless of local context. Local Transport Note 1/08 (para 3.2.1) specifically advises: 'Regulations and technical standards have a key role in the delivery of good design, but, if used as a starting point, they may serve to compromise the achievement of wider objectives. A standards-based template view of road junction design, for example, is inappropriate.'

3.2.2 In reality, highway and planning authorities may exercise considerable discretion in developing and applying their own local policies and standards. LTN 1/08 3.2.3 goes on to state that 'Designers are expected to use their professional judgement when designing schemes, and should not be over-reliant on guidance.'... 'Available guidance is just that, guidance, and cannot be expected to cover the precise conditions and circumstances applying at the site under examination.'"

The Highway Engineers employed by the applicants (Richard Jackson Ltd) therefore undertook pre-application consultation (including an on-site meeting) with a Essex Highways Development Engineer (who considers it from a policy and design perspective) and a Highway Engineering Team Leader (who considers it from a technical, adoption and maintenance perspective). The pre-app advice was undertaken at the request of the LPA and as it was known that the necessary improvements to Hall Road would not adhere to the Essex Design Guide parameters, therefore requiring input and support from the Highway Authority.

Through the pre-app process the plans were revised to show a 4.3m carriageway with a 1.2m over runnable footway area at the request from ECC; as it was originally 4.1m with a 1.2m footway area. The proposed highway works were also subject to an independent Road Safety Audit (to the relevant industry standard) at the request of ECC, which did not identify any safety points that needed addressing (as noted by the Transport Statement).

To ensure deliverability of the works within highway controlled land, the applicants obtained highway record plans from ECC to determine the highway boundary. The determined highway boundary has been set out on the provided highway drawings as best as we can and was submitted to the highway officers to confirm again the highway boundary. These plans can be provided to you on request or can be requested by any member of public via the ECC website.

They applicants argue that the total width of Hall Road infrastructure therefore proposed is 5.5m rather than that suggested in the public comment above of 5.3m. The current road width (with no current footway area) of Hall Road ranges from 3.8 to 4.3m between the site access and the London Road junction bell mouth. As set out in Manual for Streets (MfS) 1 and 2, the suggested minimum width requirements of different types of passing vehicles are indicated in Figure 7.1 of MfS 1. A 4.1m road will allow two cars to pass and a large goods vehicle / cyclist to pass each other, at slow speeds. Should a large goods vehicles need to pass another vehicle a recommended minimum width is 4.8 to 5.5m. The proposed 4.3m road carriageway width will allow two cars to pass at low speeds without the need to overrun on to the footway area. Hall Road is not a through road with the only key attractor for vehicles beyond the Site is the Anglian Water pumping station. The automatic traffic survey undertaken on Hall Road did not identify any Heavy / Large Goods Vehicles over a full 7-days. A refuse truck is likely 1-2 times per week with a few large box vans per day (i.e. food delivery) expected as a result of the proposed development post-completion. The likelihood of the use of the footway overrun area when a Large / Heavy Good Vehicle arrives / departs is therefore minimal and is only over a short distance of 50m. Overrunning of the footway is therefore not encouraged, only acknowledged it might need to occur on a very occasional basis and therefore accounted for to reduce maintenance issues.

The traffic survey commissioned by the applicants also picked up the 7-day average of total vehicles on Hall Road was 30 in either direction (and less than 5 in any one hour period) per day; the Transport Statement identifies vehicular movements will increase and therefore it was acknowledged that the existing geometry of Hall Road would not be sufficient to account for the increase in vehicles, pedestrians and cyclists; hence the proposed highways works submitted within the planning application. Even with the higher vehicle numbers on Hall Road, the chances of an LGV, a car and a pedestrian being within the 50m section of highway at the same time are minimal.

It should be noted that Hall Road will increase in width for the last 15m of the road as it approaches London Road to enable easier vehicle passing in this critical area and reduce the chance of any backing up on to London Road.

The applicants Engineers argue that by strictly adhering to the design parameters set out in the ECC design guide of two footways and a 5.5m carriageway it will encourage higher vehicle speeds along Hall Road compared to the current vehicle speeds recorded and wished to be retained. Hall Road would then become more urbanised rather than trying to retain a more rural feel to the road given its history and context. The proposed highway works would provide an improvement over the existing situation whilst being sensitive to the nature of the area and how the road has been used to date.

The design approach used here has the aim of giving priority to pedestrians / cyclists rather than vehicles but one key aspect is vehicle speeds less than 20mph. The traffic survey on Hall Road identified that average vehicle speeds were under 20mph. The current 30mph speed limit on Hall Road is suggested to be extended further south and past the proposed access point, but could also be considered to be reduced to 20mph given the current excellent adherence to the speed limit already.

With regards to the footway width, the suggested 1.2m width will allow a wheelchair user on their own; a visually impaired person with cane or assistance dog / person; or a school child with parent to walk along the route adequately which is an improvement over the existing situation given there is no hardstanding for pedestrians other than within the carriageway, should a vehicle be passing. This 1.2m footway width is also only over a 65m distance before a pedestrian joins the slightly wider footways on London Road, which is a more significant and well used road category compared to Hall Road. The 25mm kerb upstand between the carriageway area and the footway area is a standard minimum dimension used to demarcate the edge of the footway area albeit is low enough to allow easy vehicle mounting. It is also held to be sufficient height for those who are visually impaired to highlight the area to keep to, although the kerb upstand could be increased up to 40mm (with the exception of private accesses – which will need to be 25mm) to demarcate the pedestrian area more, should it be required. The use of asphalt surfacing rather than the typical block paving used in shared use roads, provides not only less maintenance issues for ECC but reduces the risk of uneven surfaces and trips / falls as well making the use of mobility / wheelchairs more comfortable and efficient.

To access the development site from Hall Road, there is an uncontrolled crossing point which will include flush kerbing and tactile paving to enable pedestrians and those with visual / mobility disabled to access and egress the site towards London Road.

It is also noted that the proposed highway works will be subject to a Section 278 agreement with the Highway Authority. As long as an appropriately worded condition is imposed (as is suggested at the end of this report) the works will be completed prior to first occupation of the proposed dwelling. Officers would also suggest that adequate access to the Public Right of Way on the western side is catered for prior to first occupation as this will be another pedestrian route to London Road and a desire line to the nearest train station.

The applicants have also noted that there is a separate public objection that refers to the withdrawn DfT Local Transport Note 1/11: Shared Space. It should be noted that this is temporarily withdrawn due to a ministerial request following publication of the DfT Inclusive Transport Strategy to suspend advice on shared spaces until further consultation and assessment work is undertaken and with regard to those with mobility / visual impairment. However, this document relates to completely level shared surface areas with no upstand to assist pedestrians. It is also more related to areas where there is high pedestrian footfall like a high street. As Hall Road will have low pedestrian and vehicular movements and

there is a compliant kerb upstand to the define the footway area, albeit would occasionally be over runnable, this is technically not 'Shared Space' as referred to in LTN 1/11.

Public Right of Way

A Public Right of Way runs north/south along the western end edge of the site, within the red line. From the north west corner of the site it connects to London Road between existing dwellings. The reserved matters submission will be able to take this right of way into consideration and will preserve its setting. It will provide a very useful pedestrian link to London Road from the site. It will mean that pedestrians will be able to exit and enter the along London Road without using the Hall Road junction. This additional pedestrian permeability is a benefit of the scheme.

Design and Layout

In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.

As an outline application with all matters except for access reserved, details of design and layout would be put forward at reserved matters stage and would be assessed in accordance with relevant planning policy to ensure that the proposals are acceptable. There is no further detail required at outline stage as it essentially determines the principle of development rather than the detail. In this instance however a great deal of detail has been supplied including a full layout and house types.

The Council's Locum Urban Designer objected to the scheme for a number of reasons and a number of the public representations quote his response. Following this the Council has a new full time Urban Designer and this scheme has been discussed with him also.

The issues raised by the Locum Urban Designer are all accepted and have been relayed to the applicants. The layout as proposed is overly rigid and is generally uninspiring with little sense of place created. Cars dominate the layout. The house types are somewhat lacking in detailed and have little local distinctiveness.

Fundamentally, is important to note that these issues are not a reason for refusal of outline permission when landscape, layout, appearance and scale is reserved for further consideration.

It has been agreed with the applicants to assess the layout as a proofing drawing and capacity study. On that basis the layout is sufficient to demonstrate that it is possible to comfortably fit 49 dwellings on this circa 2ha site resulting in a relative low density of around 25 dwellings per hectare. An informative is suggested to be imposed on any permission setting out how the layout in the submitted drawings is not satisfactory and would be expected to be significantly improved if a reserved matters submission is to be approved. The Council's Urban Designer is

happy to work with the applicants via the Council's pre-app service to improve both the layout and the house types.

Flood Risk/SuDS

The site is within Flood Zone 1. As such, it is at the lowest risk of fluvial or tidal flooding in accordance with the Technical Guidance that accompanies the NPPF and is suitable for residential development from a flood risk perspective.

The Emerging Local Plan (Paragraph 15.125) states that the overall aim of national policy and guidance on flood risk is to steer new development towards land on the lowest risk from flooding (Flood Zone 1). As noted above the site specific policy SS4 specifically requires the scheme to be safe in flood risk terms. The scheme has been accompanied by a flood risk assessment by Richard Jackson Engineering Consultants.

The FRA notes that The finished floor levels of the dwellings will be sufficient to raise the residential dwellings well above the level of the 1.0% annual probability storm event, in accordance with the NPPF. Access and egress to the site will not be impeded during these events. It is recommended that all buildings have finished floor levels which are at least 300mm above the local sewer network.

In terms of any residual risk (ie the portion of overall risk that remains once risk mitigation measures have been implemented) there is always the very low risk potential for storm events greater than a 1.0% annual probability event. Overflow of surface water would fall generally towards the northern boundary of the site and along the route of the highway towards Hall Road. Sufficient capacity volume has been allowed for in the SuDS features and appropriate factors of safety applied to accommodate the design storm event and a following 10% annual probability event as required by the LLFA guidance. The residual risk to the development is therefore considered to be low.

As noted above, as part of the proposals, SUDs are proposed. These features are strategically located to work with the existing topography of the site in order to manage surface water runoff and to ensure the site manages surface water entirely within the site to reduce the risk of flooding elsewhere. The detail of this arrangement can be dealt with at reserved matters stage and it is hoped that a more natural solution where water is kept on the surface can be proposed (as opposed to buried plastic crates as shown on the proofing layout) however the solution will depend on the layout.

The LLFA are satisfied with the scheme and have recommended conditions. At outline stage, this matter is held to be acceptable.

Impact on Heritage Assets

Policy DM16 states that the historic environment should be conserved where possible through new development proposals. This includes preserving and enhancing Listed Buildings as per the statutory test (s.66(1) PI (Lb & Ca) Act 1990 requiring special regard to be paid to the desirability of preserving listed buildings together with their settings.

The scheme has been accompanied by a Heritage Statement carried out by John Bell Design and Conservation. This stated that following an assessment of historic maps, it is concluded that the application site is a parcel of arable agricultural land that is of no historical significance. The application site may have had previous uses that pre-date 800AD, due to the close proximity to London Road, however this can only be ascertained through archaeological methods (see relevant section of this report).

The Grade II Listed Brewers Cottage is located adjacent to the boundary of the site, but due to number 33 being constructed to the South of the cottage it is argued that is very little connection between the application site and the listed building. It is therefore concluded It is concluded that the level of impact can be categorized at such a low amount, within the scale of 'less than substantial harm', that the proposals will have no material harm to the significance of the setting, character or appearance of Brewers Cottage. Whilst the in house Historic Buildings and Areas Officer does not concur that there is little connection between the site and Brewers Cottage, they do concur that any harm would be 'less than substantial' and outweighed by the public benefits of delivering this quantum of new homes.

The Heritage Statement concludes that the proposed scheme has been re-designed following pre-application discussions so the proofing layout responds to the setting of Brewers Cottage, and the other buildings to the South of London road, by re-orientating the dwellings to ensure views of the countryside from 1st floor windows are retained and the amount of built form adjacent the site boundary to the North is reduced to an insignificant level. Notwithstanding this, it is held that the layout could be improved further to allow a greater level of 'breathing space' to be afforded to the heritage assets in the vicinity as requested by the in house Historic Buildings and Areas Officer. This can be achieved at reserved matters stage. On that basis it is held that an acceptable layout can be designed and the setting of the adjacent Brewers Cottage not a manner that would reasonably warrant refusal of this outline scheme.

Ecology

Section 40 of the Natural Environment and rural Communities (NERC) 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. Policy ENV1 of the emerging Local Plan states that the Local Planning Authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Furthermore, proposals for development that would cause direct or indirect adverse harm to nationally designated sites or other designated areas, protected species or result in the loss of irreplaceable habitats such as ancient woodland, important hedgerows and veteran trees will not be permitted.

A Preliminary Ecological Appraisal has been prepared by Ecology Solutions. This sets out how on the basis of the current evidence there is no overriding ecological constraint to the development of the allocated site. The survey work that was undertaken identified the site as being of limited ecological value. The proposed loss of part of a hedgerow to facilitate the new access element proposals will be offset through the provision of new replacement habitats and bolstering of retained features which aim to significantly improve the site's ecological interest. The development has scope to offer biodiversity net gains and meet with all relevant planning policy. The report considers that there is therefore no ecological justification to refuse planning permission.

Habitats Regulations Assessment (HRA) /Appropriate Assessment (AA)

It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). The whole of Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An appropriate assessment was therefore required to assess recreational disturbance impacts as part of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS).

The applicants have agreed to pay the RAMS contribution as required by the Council's AA. On that basis it is held that the scheme will mitigate the potential off site impact to off-site protected areas. This will also be secured by the Legal Agreement.

Landscape and Trees

Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.

The scheme has come with a Landscape Visual Impact Assessment (LVIA) carried out by Southern Ecological Solutions.

This states that the Site lies on the edge of the plateau and is flat to gently sloping towards the south east where lower lying land surrounds the Roman River. The character of the area, is generally of a linear village (eastern end of

Copford) along the London Road merging into an arable and wooded landscape beyond the built up areas. Hall Road generally dissects the Roman River Valley from the plateau landscape, whilst the A12 cuts through the valley to the north of the Site. Existing features within the site (boundary hedgerows) are limited, but are important for their landscape, ecological and amenity value.

The LVIA noted that the principal change will be experienced at the site level where the existing land use will be replaced by a residential development with associated buildings, strategic landscape and open space. In accordance with planning policy and landscape guidelines the landscape elements which are important to the site and character of the area will be retained and enhanced and along with new planting will provide an establishing landscape structure from the outset, containing the majority of the built form from the surrounding landscape in the medium- to long-term. The LVIA considers that the overall effect on the site is subsequently Moderate-Substantial Adverse decreasing to Minor Adverse over time. Whilst noticeable, the change is considered acceptable in the local context.

The LVIA concluded that the site provides a suitable, sustainable location for the proposed residential development from a landscape and visual perspective.

The in-house Landscape Advisor originally raised a number of concerns with regards to the layout. Following further discussions, the Landscape Officer has stated:

The preferred option in landscape terms would still be that unit's face/side onto the proposed southern hedge. However, if the Urban Design Officer agrees the layout cannot be amended to achieve this then units backing onto but set back from the hedge will need to be considered. If this 'backing onto' option is agreed, then the offset space might be designed to ecologically enhance the site through the proposal of species rich grasses & wildflower. The fencing off of this offset area would need to be agreed by the Urban Design Officer with regard to site permeability and secure by design requirements.

In short, it is held that it is possible to design a reserved matters submission that is not harmful to the interests of the landscape.

In terms of trees, the scheme has been accompanied by a Tree Survey and Arboricultural Impact Assessment (AIA). Officers have met on site with the applicants Arboricultural Consultant to discuss the trees that are proposed to be removed. They are all low category trees with limited lifespan, rated as category U and category C. They are within the highway boundary and have not been well maintained for years. As can be seen in drawing EAS 034 TPP in the AIA, they are recommended to be removed but the majority actually sit outside of the area where highway works would require them to be removed.

The new access point in Hall Road will also require a break to be inserted into the existing hedge. The front of this hedge will also require facing back to achieve vehicular visibility splays. It is therefore suggested that at reserved matters stage it is bolstered from behind with additional hedge planting.

Whilst this scheme will result in the loss of some vegetation that has a beneficial softening in the streetscene, in particular from London Road, no trees with a realistic possibility of long term longevity are to be removed. As part of the landscaping scheme it will be ensured that good quality tree planting will be secured.

Loss of Agricultural Land

Some representations have argued that the scheme will result in the loss of good quality agricultural land. The LVIA rates the land as Grade 2. This scheme will therefore result in the loss of good quality agricultural land however at roughly 2ha this loss is not held to be significant and is outweighed by the public benefits associated with delivery of new homes in the planning balance.

Contamination

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

In this instance the application has been accompanied by a ground investigation report by Richard Jackson Sept 2019.

This report makes reference to an earlier Phase 1 Desk Study report, *Richard Jackson, 'Phase One Desk Study Report', Land off Hall Rd, Copford, Final, Ref. 49896, dated 02/08/19*. Whilst not submitted in support of the current application, it was reviewed by Environmental Protection with reference to an earlier PE application (192689), and a summary is included in the ground investigation report. The Ground Investigation Report seeks to evaluate the potential contamination risks identified in the initial Conceptual Site Model.

It is noted that representative soil samples have been recovered and appropriately analysed and laboratory results compared to relevant generic assessment criteria. None of the chosen determinants exceeded the target values and no asbestos was detected. It was concluded that there are no unacceptable risks to end users or to controlled waters and remediation action for soils is not considered necessary.

Despite a potential risk from ground gases having been identified in the Desk Study, ground gas monitoring was not undertaken as a part of this intrusive investigation and it has been concluded that this risk cannot be excluded at this time. It has been recommended that an appropriate gas monitoring programme be undertaken to clarify the risks to the proposed development. The Contaminated Land officer has requested that if gas monitoring takes place at the sites as specified on the map, attention is drawn to the North West Corner of the site to include gas monitoring in that area as currently there is no sampling point in this location.

On the basis of the information currently submitted, the site considered suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework, subject to conditions as requested by the Contaminated Land Officer.

Impact on Amenity

Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

The only matter for consideration at this stage is access. The position of the access point is considered to be sensible as forcing it further down Hall Road would result in further erosion of the rural character of the lane. It is accepted that the existing residents will notice the increased in traffic movements including headlights from cars pulling out of the access onto Hall Road. This has been carefully considered but the impact on amenity is not to a point that is held to be unacceptable. It is noted that the bell mouth of the proposed access it is in a position that is close to other residential dwellings – directly opposite Trewe House, the access to Kyle and 1 and 2 Hall Road, but on balance that is not held to cause demonstrable harm in term of its impact on amenity.

The proofing layout supplied demonstrates that there is enough space on site to provide a layout that complies with the back to back guidance as set out in the Essex Design Guide. Whilst officers have concerns about the layout in urban design terms, the proofing layout demonstrates that at the density it will be possible to provide an internal layout that does not materially compromise neighbouring residential amenity.

Health

Representations have addressed the oversubscription of Doctors surgeries and the local school. Adopted Development Policy DP2 does not require a Health Impact Assessment for development under 50 such as this and the Emerging Policy DM1 (Health and Wellbeing) does not require one for under 100 units. The NHS have not requested a contribution to this scheme as it falls below their threshold of interest and therefore they do not consider this scheme to result in a level of additional need that warrants mitigation. The scheme us therefore acceptable in that regard.

Education

The Education Authority (ECC) has made a request for a financial contribution as set out in the Development Team section of this report. This will be secured via a legal agreement and will be necessary to mitigate the impact of the scheme on the local school provision. The scheme us therefore acceptable in that regard.

Environmental and Carbon Implications

The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.

The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. This scheme has limited detail as it is an outline proposal however it is hoped to be possible to secure good quality tree planting on site as part of the landscape element which is a reserved matter.

In addition to this Environmental Protection have suggested EV charging points to be conditioned and the applicants have agreed to a condition requiring approval of a scheme for EV charging. This will help facilitate the uptake of ultra-low emission vehicles.

It is therefore considered that on balance the application is considered to represent sustainable development.

17.0 Conclusion and Planning Balance

17.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the emerging Local Plan but is contrary to the adopted Local Plan as the site is outside the current settlement boundary of Copford. The National Planning Policy Framework (the Framework) makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy. The social role of sustainable development is described as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

17.2 The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in Copford and is located within walking distance of a number of key local services and facilities required for day-to-day living. In respect of the third dimension (environmental), the proposal will provide housing in a sustainable location so that future residents would not be reliant on private car, being able to walk or use public transport to access necessary services and facilities, thereby minimising environmental impacts; ecological enhancements can also be secured as part of the development.

- 17.3 There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents or have a severe impact upon the highway network. The design shortcomings raised in the report above can reasonably be addressed as part of any future reserved matters application. Whilst the proposed development would have an impact on the existing character of the site (i.e. by introducing built development where there is none currently) through a general suburbanising effect on the wider setting, which weigh against the proposal, the positive economic and social effects, as well as the sustainability of the proposal would weigh in favour of this scheme and could reasonably be judged to clearly outweigh the shortcomings identified given the weight afforded to the supply of new homes in the Framework.
- 17.4 In conclusion, it is considered that the benefits of the scheme convincingly outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis. The Planning Balance therefore tips strongly in favour of an approval.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

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

1. Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

2. Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. Time Limit for Outline Permissions Part 3 of 3

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

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

4. Development to Accord With Approved Plans

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

Site Location plan: 8871 / 01

Tree Protection Plan: EAS-034 TPP contained within the AIA

Access Plan: 49896/PP/001 Rev B contained within the Transport Statement.

No other drawings are hereby approved.

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

5. Control of Mix

Any reserved matters application seeking approval of scale and layout shall include a detailed schedule of the proposed housing mix, to be agreed by the Local Planning Authority through the approval of that reserved matters application. No development shall commence until the housing mix schedule has been agreed as part of the reserved matters and the development shall be carried out in accordance with the approved details. The detailed schedule shall include the following:

- >The plot number,
- >The type of dwelling,
- >The number of storeys,
- >The number of bedrooms and bedspaces,
- >The size of the outdoor private amenity space,
- >The number and sizes of parking/garage spaces provided

Reason: Whilst this application contains a good degree of detail the layout and elevation drawings are not acceptable in urban design terms and do not form part of the approved plans. It is expected that this schedule is submitted as part of any reserved matters submission.

6. Archaeology

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

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

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

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

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

7. ZPA – Construction Method Statement

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

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

8. ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

9. EV Charging points

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

Reason: To encourage the uptake of low emission vehicles in the interests of sustainability and in line with the Council's Climate Emergency.

10. Highways

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

- a) A priority junction off Hall Road to provide access to the proposal site as shown in principle on the planning application drawings
- b) Improvements to Hall Road between the proposal site access and London Road as shown in principle on the planning application drawings
- c) Upgrade to current Essex County Council specification of the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- d) Improvements to Public Footpath Copford 2 between the proposal site and London Road (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- e) 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.

11.ZGX - Contaminated Land Part 1 of 4 (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

12.ZGY - Contaminated Land Part 2 of 4 (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

13. ZGZ - Contaminated Land Part 3 of 4 (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

14. ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

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

15.ZG3 - *Validation Certificate*

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 11..

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. SUDS

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:

- Discharge via infiltration all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Demonstrate sufficient structural engineering and geotechnical advice as part of the detailed design process to appropriately design and assess the permeable paving and foundations for discharge via infiltration.
-
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

17.SuDS

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: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

18.SuDS

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

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

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

19. SuDS

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

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

20.Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing (Tree Protection Plan: EAS-034 TPP) and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be

monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

21. Landscape Management

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

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.

22. Ecology

No development shall take place except in complete accordance with the submitted ecology report by Ecology Solutions May 2020 ref 8818.EcoAs.vf, including the 'mitigation and enhancement' sections of the species specific paragraphs of chapter 5.

Reason: In the interests of ecology and biodiversity.

23. Z1A – Street Name Signs

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

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

19.0 Informatives

19.1 The following informatives are also recommended:

1. Design Informative

The layout and elevational drawing submitted with this application are not acceptable in design terms. It is strongly suggested that discussions between the applicant and the LPA occur prior to taking a Reserved Matters submission any further. The approval of outline permission including the access point must not be taken as an indication that the indicative layout or house types are acceptable. They are not.

2. 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.

3. Informative on Conditions Stating Prior to Commencement/Occupation

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

4. Informative on Any Application With a Site Notice

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

5. Anglian Water Informative

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

1) INFORMATIVE -

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. (2) INFORMATIVE - 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. (3) INFORMATIVE - 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. (4) INFORMATIVE -

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. (5) INFORMATIVE: 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.