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Item No: 9.1

Application: 200351

Applicant: Mersea Homes

Agent: Mr Andrew Ransome, ADP Ltd

Proposal: Outline planning application for 100 dwellings and land for community uses, public open space and landscaping; and access from Dawes Lane

Location: Land at, Dawes Lane, West Mersea, Colchester

Ward: Mersea & Pyefleet

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 it is a Departure from the Local Plan and substantive objections have been received from third parties and a s.106 agreement is required to secure developer contributions.

1.2 The application has also been called in by Cllr Moore for the following reason:

This application appears to be premature on the grounds that the emerging local plan is in danger of being found unsound by the inspector and is therefore not at a sufficiently advanced stage to be relied upon. There is considerable local objection to this application, It is considered that it does not comply with the adopted local plan, that It will adversely affect the landscape, the coastal protection zone, and put further strain on the local infrastructure. Given the current situation with Corona Virus restrictions this application should be refused or deferred until after the inspector has given his decision on the emerging local plan and should be heard in front of the public so they may be reassured that a correct decision has been made.

2.0 Synopsis

2.1 The key issues for consideration are the principle of development and the impact of the proposed access. Whilst this site is not allocated in the Adopted Development Plan, it is allocated for 100 dwellings in the Emerging Local Plan (ELP). As is explored in detail in the report below, following careful consideration it is considered that it is appropriate to bring this site forward ahead of the Examination in Public (EiP) of Part 2 of the ELP.

2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

3.1 The application site extends to 10.2ha and is located to the west of Dawes Lane, West Mersea. It comprises a large agricultural field with few features. It is currently cropped.

3.2 The northern boundary is currently an open, forming part of the agricultural field that includes the application site. The eastern boundary runs parallel to Dawes Lane, whilst the southern boundary is bound by the properties that form the existing settlement edge of the town of West Mersea. The western part of the site bound by an area of public space that includes sports pitches, children's play area and walking route. This boundary is characterised by a newly established hedgerow containing some trees at regular intervals.

4.0 Description of the Proposal

4.1 Outline planning application for 100 dwellings and land for community uses, public open space and landscaping; and access from Dawes Lane.

5.0 Land Use Allocation

- 5.1 The site is not currently allocated in adopted Local Plan. It is allocated for development under policy SS12a of the emerging Local Plan (2017-2033).

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
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 – Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

7.4 The West Mersea Neighborhood Plan is in the process of being drafted but is not at a point where a draft has been made public nor can be afforded weight.

7.5 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. Modifications to Part 1 of the ELP have been suggested by the Inspector to make the draft plan sound. The suggested modifications have yet to be considered by the Council's Local Plan Committee and, if supported, would necessitate a further round of public consultation before examination of part 2 of the plan is undertaken.

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 therefore at a mature stage with Part 2 awaiting examination 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.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
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

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 Air Quality (Tim Savage Chelmsford City Council)

No objection to scheme.

8.3 Anglian Water

No objection

8.4 Arboricultural Officer:

Comments Regarding the proposed development and the AIA received 21st and 3rd March 2020, I am in agreement with the tree survey and impact assessment provided.

The AIA shows how trees will be protected as per BS5837:2012. This is sufficient for outline purposes but will need to be amended and updated when a reserved matters application is made. In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.

Make the tree report an approved document and condition the provision of an updated AIA at reserved matters.

8.5 Archaeological Advisor:

Comments that an adequate pre-determination (3%) trial-trenched evaluation has been undertaken by the applicant and the archaeological implications of the development have now been established (CAT Report 1499). Based on the findings of the evaluation, there are now 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.

In this case, a further (2%) trial-trenched archaeological evaluation will be required. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

8.6 Cadent

No comment received.

8.7 Contaminated Land Officer

Brown2 Green, 'Phase 1 Geo-environmental Desk Study Report' Lane West of Dawes Lane , West Mersea, Ref. 2363/Rpt 1v2, dated January 2020

The above has been submitted in support of this application and is acceptable for Environmental Protection's purposes. I note that no potential sources of unacceptable contamination or pollutant linkages were identified for the proposed use and no recommendations for remediation were made. Based on the information provided, this conclusion would appear reasonable and no further information will be required by Environmental Protection with respect to land contamination matters.

8.8 East Mersea PC:

East Mersea Parish Council wishes to object most strongly to the above planning application for 100 new houses on Dawes Lane, West Mersea, for the following reasons:-

1. It contravenes the CBC adopted current Local Plan and is premature to the adoption of the CBC submitted emerging Local Plan.
2. It pre-empts the work-in-progress of the West Mersea Neighbourhood Plan.
3. It breaches the WM Village Settlement Boundary and the Coastal Protection Belt.
4. Together with the recently approved development at Brierley Paddocks, it will seriously increase traffic congestion on the Island's roads which will adversely affect East Mersea residents' access to both on and off-Island destinations.
5. There is only one GP Surgery serving Mersea Island – East and West and this is currently almost at full capacity and certainly will not be able to absorb new patients from Brierley Paddocks, let alone Dawes Lane.
6. Similarly, the local school, dental practice, parking and other essential infrastructure elements will not be able to cope with this continual housing development.

Finally, it is emphasised that the community of East Mersea relies almost entirely on the infrastructure of West Mersea for its daily requirements. Further, it should be remembered that there is only one access to the island, including to the tourist and leisure facilities and activities at East Mersea, and that is regularly restricted by the tide and high traffic volumes as it is. Please reject this Dawes Lane Housing application no. 200351 for the above reasons.

- 8.9 Emergency Planning CBC
No response to date consulted 4/4/2020
- 8.10 Emergency Planning Essex
No response to date consulted 4/4/2020
- 8.11 Environment Agency
No comment to date.
- 8.12 Environmental Protection
No objections raised but conditions requested.
- 8.13 Essex County Fire and Rescue
No comment to date.
- 8.14 Essex Police
No comment to date.
- 8.15 Essex Wildlife Trust
No comment to date.
- 8.16 Health and Safety Executive
No objection
- 8.17 Highway Authority (ECC)
No objection subject to conditions.
- 8.18 Landscape Advisor:

Comments that the landscape content/aspect of the outline application proposals lodged on 21/02/20, principally under drawing(s) 1124.L.004 and Landscape/Visual Appraisal & Landscape Strategy Report (L/VA&LSR) Part 1 dated August 2019, and the revised L/VA&LSR Part 2 dated March 2020 lodged on 27/03/20, would all appear satisfactory.

In conclusion, there are no objections to this application on landscape grounds.
- 8.19 Lead Local Flood Authority (ECC)

Comments that 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. Conditions suggested.

8.20 Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would:

☐ have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

8.21 NHS

No objection – require a financial contribution to mitigate impact of scheme of £59,027.00

8.22 Office of Nuclear Regulation

This application falls outside of any GB nuclear consultation zone, therefore ONR has no comment to make.

8.23 Sport England

Are satisfied in principle that the proposed development would accord with exception 3 of Sport England's playing fields policy as it would only affect land incapable of being used for playing pitches and would not prejudice the use of the playing field. I can therefore confirm that Sport England therefore makes no objection to the planning application as a statutory consultee.

No planning conditions are requested on this occasion. However, through a reserved matters application (if outline planning permission is granted) it is requested that attention is given to the siting and design/layout of residential and other potentially sensitive uses close to the boundary with the recreation ground so that any low risk of ball strike is prevented plus any noise issues associated with the use of the playing fields does not generate residential amenity concerns.

8.24 UK Power Networks

No comment received.

8.25 Urban Designer:

Comments that all matters are reserved and the submission demonstrates that 100 dwellings could be successfully constructed on the site.

9.0 Parish Council Response

9.1 West Mersea Town Council have stated (in full);

There has been very significant comment from the community to West Mersea Town Council on this topic, and West Mersea Town Council accordingly endorses the public's opinion and recommends that consent is NOT granted to this planning application for the following reasons:

Prematurity: In the National Planning Policy Framework (NPPF) February 2019 paragraphs 59-50 (page 14) premature applications are specifically discussed.

The Colchester Borough Council (CBC) Emerging Local Plan is at an advanced stage, it has already been submitted, therefore the justification to refuse is clearly given in paragraph 49 as both sub terms a). "...to grant permission would undermine the planning process..." and b). "the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area" are fulfilled.

The West Mersea Neighbourhood Plan has now progressed to preparation of a Draft Plan and granting permission for this application would therefore "prejudice the outcome of the plan making process" – NPPF February 2019 paragraph 50 (page 15).

Lack of Conformity:

- i. This application is in conformity with the CBC Emerging Local Plan. However, it is not in conformity with the developing West Mersea Neighbourhood Plan which is following the NPPF February 2019 paragraph 29 (page 10) and respective footnote (16).
- ii. This application conflicts with Policy ENV1, which states that the Borough will conserve and enhance Colchester's natural & historic environment, countryside & coastline. The policy also states development within the Coastal Protection Belt will not be permitted that would adversely affect its open and rural character.
- iii. This application conflicts with Policy DP1, which states that all development must respect its landscape setting and contribute to the surrounding area.
- iv. This application conflicts with Policy DP23, which states that development within the Coastal Protection Belt will only be supported only if it would not be significantly detrimental to the landscape character of the area.

Pedestrian Access: West Mersea Town Council has grave concerns around the safety and suitability of the proposed pedestrian access points.

Breaches Settlement Boundary: This application breaches the settlement boundary.

Additional comments: Having stated our objections, West Mersea Town Council is also aware of its responsibility and obligation in working with Colchester Borough Council to mitigate the effects on the community should the decision by CBC Officers and Councillors be to proceed with this development. Accordingly, West Mersea Town Council will work with Colchester Borough Council and the developer to secure the best possible outcome for the residents of Mersea – certainly in respect of Parks and Recreation and Community. West Mersea Town Council would also urge Colchester Borough Council to work with the West Mersea Neighbourhood Plan Working Group in this regard.

9.2 A further representation from WMTC was received on the 15/5/2020 which stated:

Thank you for your advice in respect of land to be provided at 200351 for a doctor's surgery, should planning consent be granted.

However, irrespective of this proposed concession, West Mersea Town Council wishes to reiterate its objection to this application and the basis for objection previously stated still stands.

However, in a World dramatically changed by recent events, we have grave concerns - in a post-Covid World - just who these houses are being built for? A recent study by Knight Frank suggests house sales will plummet as a result of the Covid-19 crisis - down from 1.2 million in 2019 to a projected pitiful 734,000 units (this year, and this position is exacerbated by mortgage lenders being increasingly unlikely to underwrite a great many applications in the foreseeable future.

As a result, the need for developments such Dawes Lane have been very significantly reduced. There is clearly going to be reduced demand for housing in the coming years as the market recovers, certainly the need for housing sites to be 'brought forward' has evaporated.

As you also know, we believe this application should be deferred at the present time since it is highly controversial and very significant, and that it should await a meeting of the full Planning Committee at which the public can attend in person.

10.0 Representations from Notified Parties

10.1 This scheme has generated significant public interest with 509 representations (some from the same address) made in objection and 9 general comments noting concern. Many were in the form of a standard letter. Representations were also received from neighbours groups and from 'Stop 350'. The representations can be read in full online however in summary they objected to the scheme for the following reasons:

- The Emerging Plan has not been Examined yet.
- This scheme is premature.
- The scheme undermines the Emerging Plan and Neighbourhood Plan.
- The Council should be confident in it's five-year housing supply.
- The Council should wait for the garden communities.
- Mersea is at capacity.
- The road network can't cope.
- The other facilities on the island can't cope, for example schools/doctors/dentists.
- There is no Police presence on the island.
- The Fire Service is very limited.
- Colchester Hospital is 10 miles away.
- Mersea is an Island!
- Mersea is already overpopulated.
- The caravan parks cause a huge spike in seasonal population.
- There are many retired people on Mersea
- One hundred is too many dwellings.
- Scheme will be materially harmful to my amenity.
- Harm to amenity.
- Loss of good agricultural land.
- The consultation exercise has not changed anything.
- The water treatment plant cannot cope with 100 more houses.
- The Doctor's surgery can't cope and is highly oversubscribed.
- This will destroy wildlife.
- Scheme will create light pollution.
- Harm to the Coastal Protection Belt.
- Landscaping will not mitigate this scheme successfully.
- The site is visually important at a gateway site and forms part of residents homecoming and is important for wellbeing.
- The site is over a mile from the village centre so residents will drive from it.
- There is no safe pedestrian access from the site.
- Brierly Paddocks was approved recently.
- Approving this would set a dangerous precedent for other speculative proposals.
- The LPA need to consider the implications of Bradwell Power Station and a potential new Nuclear Power Station on the same site.
- There will be no need for these dwellings.
- This scheme should not be determined until the Covid-19 pandemic is over.

- There is no evidence that the community needs a further 5ha of open space.
- The site should have been removed from the Emerging Local Plan in its entirety.
- There is now no need for these homes following the Covid-19 pandemic as no-one will buy them.

11.0 Parking Provision

11.1 The application is for outline permission only and the detailed proposals will be established at reserved matters stage. The reserved matters proposals would need to adhere to adopted parking standards. In this instance there is held to be more than sufficient space on site for complete compliance with the minimum standards for residential development including visitor parking and cycle parking.

12.0 Accessibility

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

13.0 Open Space Provisions

13.1 Indicative frameworks and landscape masterplans have been submitted with the application which indicate large amounts of open space – 4.5ha is suggested by the applicants. In policy terms least 10% open space would be required in accordance with both adopted and emerging local plan policies but the site has the potential to provide significantly more.

13.2 It is important to note that the large parcel of proposed public open space which broadly forms the northern half of the site, sits outside of the emerging local plan site allocation.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 This application is classed as a “Major” application and therefore it was considered by the Development Team. It was considered that the following Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990;

Archaeology – £17,553.00 contingent on finds for display.

Parks and Recreation – £31,992.72 for play equipment, likely to be used for an upgrade of the Wellhouse Farm play space. An outdoor gym has also been requested.

A commuted sum has also been requested if the Council is to maintain the open space. It is proposed that the Legal Agreement will include a clause to determine the precise figure when the detail of the open space is finalised at reserved matters stage, based on the following costings:

- Rural and/or suburban countryside - £9,430 per hectare for single sites greater than 1 hectare in extent
- Maintenance of sports pitch area - £69,700 per hectare
- Woodland (new planting) - £32,400 per hectare
- Public Open Space, predominantly urban in character - £43,460 per hectare

There will also be the option of transferring the open space and maintenance fee to Town Council if all parties are agreeable.

Community – £168,652.00 to be spent via a cascade mechanism, with priority going toward an upgrade of the MICA centre but if that is not possible then the contribution goes towards funding a multi- use community centre at the Glebe.

Affordable Housing have made an emerging policy compliant scheme request for 30% affordable units. The tenure mix would be expected at no less than 80% for affordable rent and no more than 20% intermediate (shared ownership). The shared ownership dwelling types and sizes should be proportionate to the affordable rented dwellings/ types and sizes provided, or if not practical, then the shared ownership units should be more weighted to smaller dwellings as opposed to family dwellings. 1 dwelling to be Part M4 Cat 3 (2)(b) Wheelchair standard.

Affordable Housing will be required to meet the emerging policy requirements of emerging policy DM12. Specifically, 95% of affordable housing to be complaint with M4 Cat 2 and 5% of the affordable housing to be compliant with M4 Cat 3 (2) (b)

NHS – £59,027.00 financial contribution to expand facilities.

It is noted that the applicants will also gift 0.7ha of land to West Mersea Town Council suitable for community uses/a doctors surgery/ community parking or other uses as WMTC see fit. This will be secured via the Legal Agreement.

Not part of the Development Team process but to be secured by legal agreement is the £125.58 x 100 dwelling (£12,558.00) **RAMS** contribution.

On that basis it is requested that Members delegate the negotiation of the detailed planning contributions and related projects and conditions to officers if they are minded to resolve to approve this scheme.

16.0 Report

The main considerations in this case are:

- the principle of development; and
- highway safety and impact on the capacity of the road network.

The report will also explore the impact on Trees, Flood Risk/Drainage/SUDs, impact on Heritage, Ecology and the landscape amongst other issues as set out below.

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 (para.11d) NPPF).

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 adopted CBC policy with the NPPF that justify a reduction in the weight to be given to the relevant policies in the adopted local plan 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.

West Mersea are also preparing a Neighbourhood Plan although, it is understood to be close to reaching a regulation 14 consultation, it is in the early stages of preparation and can be afforded very limited weight currently in the context of the Development Plan. The Neighbourhood Plan must also accord with the strategic policies contained in the Local Plan. Accordingly the principle of development on this site is established by the Local plan and not the Neighbourhood 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 West Mersea as a 'District Settlement' which lies below Colchester Town/Stanway and above Rural Communities in the spatial hierarchy. Development in the plan period was however, primarily focused on the top tier with only limited development directed to the District Settlements. Policy H1 provided for 280 units to be allocated in West Mersea in the 2001-21 plan period.

Since the proposal falls outside the settlement boundary for West Mersea, 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 concerns 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, but no comment is made in respect of most of these in this response as it is focusing on the key policy principles.

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.

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).

While the Adopted Local Plan included the 3 District Centres only in the second tier below the urban area of Colchester, the Emerging Plan provides for a wider scope of development in 17 Sustainable Settlements, including West Mersea. Policy SS12a proposes the allocation of land for 200 dwellings on 2 sites in West Mersea. Land at Dawes Lane is allocated to provide 100 dwellings and Land at Brierley Paddocks to also provide for 100 units as part of a mix of uses to be informed further by the Neighbourhood Plan.

The proposed allocation policy SS12a is of particular relevance providing a different policy context than the Adopted Local Plan. The policy wording is set out below;

Policy SS12a: West Mersea

In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the areas identified on the policies map which contributes towards expanding Mersea Island Primary School, provides suitable landscaping to screen the development to minimise any negative impact on the surrounding landscape and protect the open rural character of land within the Coastal Protection Belt, and meets the requirements for each site indicated below. Housing on both sites should address local needs which will be detailed in the Neighbourhood Plan but are likely to include starter homes and single storey dwellings.

Dawes Lane

Development will be supported which provides:

- i. 100 new dwellings of a mix and type of housing to be compatible with surrounding development;*
- ii. Public open space, including sports pitches;*
- iii. Children's play area / land for a sports pavilion if identified in the Neighbourhood Plan;*
- iv. A single site access off Dawes Lane*

This policy should be read in conjunction with the generic Neighbourhood Planning Policy SG8 and the West Mersea Neighbourhood Plan, once adopted.

The Spatial Strategy Policy SG1 and Policy SS12a 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 SS12a is one of a number which allocates sites for residential dwellings within Sustainable Settlements as identified by the Spatial Strategy. While the site lies within the Coastal Protection Belt, a limited reduction in its extent at the edge of the urban area of West Mersea was considered justified following Sustainability Appraisal and site assessment work to deliver required development land.

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 taken into account when considering 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 SS12a is necessary to guide the judgement of the weight which should be given to the emerging policy in this case. There were 85 representations received to Policy SS12a. Additionally, 1163 people signed a petition submitted by Stop 350 objecting to the housing allocations. The key issues raised are summarised below;

Development on Mersea Island Policy SS12a

- inadequate infrastructure and community facilities (highways, education, health and water) to support the development;
- additional pressure from the increased seasonal population at the caravan parks on Mersea Island (2200 caravans, some occupied permanently);
- plan proposal is not based on sound or accurate data; lack of proper consideration of Mersea's unique island status and the constraints this imposes on its ability to expand;
- breach of Coastal Protection Belt objectives;
- adverse environmental impacts (wildlife and heritage) and
- concerns about the safety of residents in the event of a nuclear emergency at Bradwell Nuclear Power Station.
- Reference to HRA and RAMs in the policy is essential

The following Additional comments specific to the Dawes Lane

- Site is agricultural land;
- Development will be intrusive
- Access is off a substandard unclassified highway road which is unsuitable
- Road should be widened and roundabout put in place at East Road
- Location has poor access to community facilities

While the site is allocated for development in line with the scale of development proposed for Sustainable Settlements and the level of development proposed for this site as per the allocation in the emerging local plan, the level of objection to this in response to the regulation 19 consultation was significant. While some of the objections are likely to be addressed and therefore resolved, through mitigating measures and /or planning obligations, others are more about the principle of development and capacity of the Island's infrastructure to accommodate the growth planned through the ELP. Having regard to this, the representations which potentially remain unresolved are those relating to the principle of development and the capacity of the Island's infrastructure to accommodate this and other planned growth in the ELP. It is relevant to consider whether this matter alone is material to the weight to be afforded to the ELP. Paragraph 48 (b) is relevant stating; *"the extent to which there are unresolved objections to the relevant policies (the less significant the unresolved*

objections, the greater the weight may be given)". The objections relating to the principle of development (including capacity) at West Mersea also relate to the Spatial Strategy in Policy SG1. It is also relevant to consider whether the concerns raised by these objections, relating to the principle and level of development based on the capacity of the infrastructure to accommodate the proposed development, can be addressed by provisions which form part of a planning application and any mitigation which may be proposed and secured as part of any permission. The need for thorough consideration of these issues is further enhanced by the local concerns expressed through the Local Plan representations and objections to other recent planning applications, regarding the capacity of the infrastructure to accommodate the growth planned including, that proposed on land at Dawes Lane.

Infrastructure capacity concerns

The key concerns regarding infrastructure capacity appear to relate to traffic, community facilities- particularly health and education, sewage and flooding. In addition concerns are expressed about the ability of emergency services to reasonably respond to accidents / other emergencies due to the constraints especially when there is a High Tide.

The response of the 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, since those relating to the principle of development, are intrinsically linked to the capacity of the infrastructure to accommodate the planned growth.

The responses from the relevant Infrastructure providers is therefore an essential element in determining the balance and the weight to be afforded to the Emerging Local Plan. These are summarised below;

Highways- No objections – conditions suggested.

NHS / CCG – NEE CCG acknowledges that there are capacity issues currently and that mitigation would be required and request £59,027. No comment is made in respect of the land reserved for community uses. No comments regarding ambulance service.

Note: North East Essex CCG are currently undertaking a feasibility study in relation to a potential new health facility for the residents of West Mersea Island with expected outcome late summer 2020. The study will identify suitable site(s).

Environment Agency- no response.

Anglian Water- Confirm they have the capacity to deal with the new dwellings and require standard conditions to be applied.

Essex County Council – Lead Flood Authority- no objection

Essex County Council – Local Education Authority – No comment and no request for contributions received.

Emergency Services – No response specifically to the application – West Mersea has an “on-call” fire station, and data in the website indicates that in 2017/18 a total of 49 incidents occurred including 17 false alarms and 17 special incidents (which includes road traffic collision, animal rescue and dealing with hazardous materials and flooding).

The emergency services do not often directly respond to planning application consultations, they did however, help inform the Infrastructure Delivery Plan which was produced to support the Local Plan and includes input from all infrastructure providers. Essex Police stated “the delivery of growth and planned new development in the borough would impose additional pressure on the Essex Police existing infrastructure bases, which are critical to the delivery of effective policing and securing safe and sustainable communities. Essex Police has confirmed that it does not require any site-specific new infrastructure to address the needs arising from growth. Rather, it requires the refurbishment of the existing police estate from which police staff can operate. The specific nature of any requirements will need to be assessed on a case-by-case basis.” Essex Fire and Rescue Service stated “that it does not have any needs arising from growth”. The East of England Ambulance Service NHS Trust operates ambulance services in Colchester Borough. They stated “that it has no specific infrastructure needs to support growth. Its services are funded from the North Essex Clinical Commissioning Group based on historic emergency call data. This data is reviewed annually and changes in provision are made accordingly.”

Based on the responses to the planning application from the infrastructure providers it is evident that they are satisfied that there is capacity to accommodate the development proposed or that mitigation can be secured to address the identified issues. (Subject to the comments of those Infrastructure providers that are awaited not raising any objections which cannot be addressed by way of mitigation or condition.)

West Mersea Neighbourhood Plan

A Neighbourhood Plan Area was designated in September 2016 responding to a request from the West Mersea Town Council as the Qualifying Body (QB). Considerable work, including evidence gathering and plan drafting has been undertaken by the QB and more recently a Consultant has been appointed to support the group on moving forward as expediently as possible. It is anticipated that a Draft Plan will be available for consultation as soon as it is practicable. Due to the timing and the content of the ELP, the scope of the NHP will not include the allocation of housing sites. The allocation policies in the ELP, do however, reflect that the NHP will have a role in influencing many aspects of development proposals including the application site in respect of housing mix and type, open space and community facilities. Whilst the stage of preparation of the NHP cannot be said to be advanced, good progress is being made and it is expected that this will continue moving forward to the stage of publishing a Draft Plan. It is understood that the Plan will look to provide a greater steer on the mix and type of houses as well as the type and location of community facilities which are required and appropriate for delivery through development on this site and the other allocation in the Local Plan. The NHP should have the opportunity to influence details of any application, particularly if reserved

matters follow an outline with specific details, assuming, sufficient progress on the NHP is made. The extensive work of the QB and engagement with the local community informing work on plan preparation to date is valued and it is appropriate that it may inform some of the detailed elements of planning for the site.

Planning Balance

The Adopted Local Plan did not include the proposal site as an allocation, so it is contrary to policies SD1 and ENV1 restricting development outside development boundaries. The Council maintain that both of these relevant policies remain up-to-date in so far as they are relevant to this application. It is the Council's view therefore that paragraph 11(d) (the tilted balance) is not engaged.

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 1078 which is calculated using the Standard Methodology. This equates to a need for 5659 dwellings over the 5 year period when a 5% buffer is added. The Council identifies sites that can deliver 6108 units. It is important to note that the current monitoring period covers the period 1.4.20 to 31.3.25. Although there have been a number of recent appeal decisions which have concluded that the Council cannot quite demonstrate a 5 year supply, they all covered a different 5 year period (1.4.2019 – 31.3.2024).

The ELP includes the site the subject of the application as a housing allocation proposed for 100 dwellings with a number of other policy requirements identified. It is therefore also relevant to consider the extent to which the application is compliant with the ELP. In the case of this site, the specific infrastructure requirements are set out in the allocation policy 12a (above) with other requirements including matters such as Affordable Housing and RAMs are included in other policies in the ELP. All matters other than access are subject to a reserved matters application, enabling details including the distribution of uses and layout etc to be addressed and further considered at that time.

The allocation policy in the ELP for the site at Dawes Lane includes a range of requirements including provision for community infrastructure and access 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.

The proposal provides for 100 dwellings and other provisions including access, SuDs, open space, landscaping and community facilities. The policy points to the Neighbourhood Plan for more details in respect of community facilities, the content of which is still to be confirmed. However, if outline permission were to be granted this would not prevent the Neighbourhood Plan from further informing detailed elements including the community facilities.

In respect of the NHP, the Council would not wish to frustrate the progress on this plan or undermine its role in influencing the details of the proposed

development in the NHP. Although progressing well, it cannot be said to be at an advanced stage of preparation and in any event, it is not intended that the NHP will be allocating any housing sites. It is however considered entirely appropriate for the NHP as it advances to inform key elements of any future detailed planning applications which may follow as stated in the ELP policy. The grant of outline permission would not prevent this happening. The NHP has not currently progressed to a stage where it is considered it could be used to justify a recommendation of refusal on prematurity grounds.

Conclusion

Although the proposal is contrary to the Adopted Local Plan, the advanced stage of progress of the Emerging Local Plan and the compliance of the proposal with the key relevant policies are an important material consideration which are considered to inform the weight to be assigned to the allocation in the ELP. Based on a thorough consideration of the issues, there is no policy objection to the proposal in principle subject to full policy compliance on all relevant detailed matters as set out in Policy SS12a and all other relevant ELP policies including policy requirements for affordable housing and community infrastructure. In addition, evidence which confirms that there are no infrastructure capacity concerns from the infrastructure providers is also required as set out above in order to confirm the weight to be afforded to the Emerging Local Plan

Highways/Access

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 scheme has been accompanied by a Transport Assessment that considered the East Road junction to be sufficient to accommodate the traffic flows this scheme will generate. It states that a simple priority junction at the East Road access will need to be provided and there is sufficient room to provide this. This Transport Assessment and the proposed access arrangement at East Road have been considered by Essex County Council (the Highway Authority). They have no objections to the scheme subject to conditions that are suggested at the end of this report.

As set out in the accompanying Transport Assessment, a new priority vehicular junction access will be provided on Dawes Lane to serve the site. In addition, the development proposals include two crossing points on Dawes Lane to improve pedestrian access to the site.

The new priority junction access on Dawes Lane that will lie approximately 100m north of the 30mph speed limit change and within the 40mph speed limit zone. The proposed access will form a Type E road access with a 5.5m carriageway suitable for serving the development proposals in a cul-de-sac arrangement.

The Highway Authority has no objection to the scheme subject to conditions which will be imposed. There include a number of off-site measures include bus stop upgrades and footway improvements.

On that basis this scheme is held to be acceptable in highway safety terms.

The Impact on Trees

There are no TPO's on the site.

This application is accompanied by an Arboricultural Report. The key findings of this report indicate that the site generally contains low value hedgerow on the southern and western edges. There are some higher value trees in the south-eastern corner of the application site that extend further along Dawes Lane.

The Arboricultural Report indicates that these trees can be largely retained and protected with appropriate arrangements, although a small number of young specimens will need to be replaced to facilitate the pedestrian cycleway linkages. The tree coverage has the potential to be significantly enhanced as a result of the proposals.

SuDS

A sustainable drainage assessment has been provided with this application. It is recommended that a detention basin is provided at the southern end of the site to work with the existing topography. This basin will be dry and will only contain water in storm events to manage run off rates. It is therefore designed to form part of the open space for local residents. This approach, alongside other supplementary SUDs features, will simultaneously provide a valuable landscape feature and will aid the natural management of surface water runoff.

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

Flood Risk

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 part of the proposals, the SUDs are proposed at the southern part of the site. 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.

Further information on the flood risk and drainage proposed on site is included in the accompanying FRA which can be read on the website.

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.

There are no listed buildings or other heritage assets that are materially impacted by this 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.

An ecological assessment of the site has been undertaken by Eco-Planning UK between 6th May 2019 and 4th June 2019.

The ecological assessment found that there are no registered Priority Habitats on site or within an influencing distance of the proposed development. With specific regard to the existing site, it is currently an open and intensive arable agricultural field that has negligible biodiversity value and very limited conservation potential. The field margins/roadside verge are also limited in width and botanic diversity.

Whilst there are no ponds or ditches on-site, the south-western field corner does occasionally retain some surface rain water but has no aquatic habitat status. There are three off-site ponds, but the proposed development would not directly impact upon these ponds, their management or conservation value. The

proposed development would not restrict Great Crested Newt / amphibian access to or from these ponds or fragment any associated terrestrial habitats.

There is no active badger sett of any type within the survey site or accessible adjacent areas. The creation of new habitat areas as part of the proposed development will increase foraging potential for any off-site badger social group.

The scheme survey did discover a surprisingly good population of both Slow Worms and Common Lizards along the narrow field margin habitats, along the site boundary. These habitats will be protected, expanded and enhanced as part of the development proposals and an Ecological Management condition will be imposed to ensure this occurs.

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).

A shadow HRA was requested and was duly provided. The LPA then drafted an appropriate assessment (AA). The AA concluded that with the on-site measures set out in the shadow HRA and with a financial contribution to the Essex Coast RAMS as mitigation the scheme would be acceptable.

Natural England support the findings of the AA. The RAMS financial contribution will be secured via legal agreement.

Landscape Impacts

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 its landscape setting. The site also sits in the Coastal Protection Belt (as does the rest of Mersea Island) and therefore Policy DP23 is relevant.

The scheme was submitted with a Landscape Visual Impact Assessment (LVIA). This states that the landscape proposals have been designed to be sensitive to the character and outlook of the existing properties at the settlement edge, immediately adjacent to the Site and to respond to the adjacent countryside edge beyond Dawes Lane to the east and beyond the Sites northern boundary.

The development proposals would bring forward a significant quantity of new strategic green infrastructure planting to a currently open Site. This will filter/screen the currently hard settlement edge and the proposed new homes from viewpoints to the north. Generous new public open space and sports pitch facilities will be provided to augment the facilities of the existing recreation grounds to the west for the benefit of the wider public as well as the existing residents of West Mersea.

Given that the Site is considered to have a 'Moderate Landscape Capacity/Scope for Mitigation' and providing that the landscape recommendations set out in Chapter 5 of the LVIA are implemented in full, it is considered that that the proposed new housing and associated public open space could create a greener new settlement edge adjacent to the important Dawes Lane approach to West Mersea.

The findings of the LVIA have been considered by the Council's in-house Landscape Advisor who accepts its findings. On that basis, the scheme is held to be acceptable in landscape terms and will not materially compromise the Coastal Protection Belt set out in Policy DP23.

Loss of Agricultural Land

Some representations have argued that the scheme will result in the loss of good quality agricultural land. The land is rated as Grade 2 agricultural land so it is high quality. The NPPF (Paragraph 171, footnote 53) notes that *'Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'*.

As set out above, the site has been allocated in the Emerging Local Plan. The question that must be asked is 'does the fact that this site is higher quality agricultural land warrant a refusal of this scheme for 100 dwellings'? This is a matter of planning balance. In this instance it is not considered that the loss of this land in favour of development is an issue that warrants a refusal of this scheme as the provision of dwellings carries such significant weight as a public benefit in the planning balance.

Health Impact Assessment

Policy DP2 requires all development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health. Health Impact Assessments (HIA) are required for all residential development in excess of 50 units, with the purpose of the HIA being to identify the potential health consequences of a proposal on a given population, maximise the positive health benefits and minimise potential adverse effects on health and inequalities. A HIA must consider a proposal's environmental impact upon health, support for healthy activities such as walking and cycling, and impact upon existing health services and facilities. Where significant impacts are identified, planning obligations will be required to meet the health service impacts of the development.

The NHS have assessed the HIA and in this instance do not object to it. They have requested a financial contribution towards expanding their services and the applicants have accepted this.

Contamination

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

A Phase 1 Geo-Environmental Desk Study Report has been submitted with the application that investigates matters of contamination. The Council's Contaminated Land Officer has assessed the submitted report and confirms that it is acceptable for Environmental Protection purposes. No further work is needed.

On this basis, the information submitted is considered to be acceptable and the site considered suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

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, 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.

The Council's Urban Designer has confirmed that the proposed 100 dwellings can be accommodated on site without compromising policy principles. He has made a number of suggestions that the applicants can take into consideration when making a reserved matters submission.

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 proposed position of the access point on Dawes Lane is not held to cause materially harmful increase in noise and disturbance to existing neighbours.

Any housing design/layout uses would need to respect the privacy and amenity of the residents of these properties and adhere to policy DP1 in terms of impact, as well as the design and layout principles of the Essex Design Guide which prescribes back to back distances between properties in order to preserve a

satisfactory level of amenity. These matters would need to be assessed on the submission of reserved matters which will provide the detailed layout for the scheme.

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 would be possible to secure a significant amount of good quality tree planting on site as part of the landscape mitigation which is a reserved matter.

The scheme also proposes potential new walking links to the new public open space and the existing open space next door. This will encourage pedestrian interconnectivity throughout the wider area for all to use.

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 as the impacts of the development are capable of mitigation and convincingly outweighed by the public benefits of the scheme.

Bradwell Power Station

Representations have been received from residents that are concerned about Bradwell Power Station and the possible new Nuclear Power Station (NPS) that may be proposed next to the existing NPS.

Bradwell Power Station is in a very advanced stage of decommissioning and is in a 'Care and Maintenance State'. It is the first NPS in the country to enter this state of decommission.

Bradwell 'B' proposed by EDF Energy and China General Nuclear Power Group (CGN) is only at very early investigative stages. The Bradwell B project website notes it could be 7 years before construction could commence. The website set out how they would need regulatory approval, planning permission including a nuclear site licence, a development consent order and various environmental

permits. In officer's opinion it would not be reasonable to resist the 100 houses proposed in this application on the basis that Bradwell B is a possibility. The scheme would, if permitted, have potentially wider considerations for the subregion and these would need to be considered as part of the NSIP Development Consent Order process.

The Need for Housing

The Covid-19 pandemic has not reduced the need for housing and there has been no change in national policy to suggest this. Councils are still required to maintain a five-year housing supply. Whether the houses will be sold is a matter for the developer and is not a reasonable planning reason for refusal of this application.

17.0 Conclusion and Planning Balance

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 West Mersea. 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 considerations, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy. The social role of sustainable development is described as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in West Mersea and the borough as a whole. In respect of the third dimension (environmental), the proposal will provide housing in a sustainable settlement so that future residents would not be entirely reliant on private car, being able to walk, cycle or use public transport to access necessary services and facilities, thereby minimising environmental impacts; ecological enhancements can also be secured as part of the development.

There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents or have a severe impact upon the highway network. Whilst the proposed development would have an impact on the existing character of the site (i.e. by introducing built development where there is none currently) through a general suburbanising effect on the wider area, which weighs 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 significant weight afforded to the supply of new homes in the Framework and the possible design that could be secured as part of any future reserved matters application.

It is accepted that this scheme will result in the loss of 10.4ha of good quality agricultural land. However in this instance officers consider that the planning balance tips in favour of the approval of the scheme due to the significant benefit of both the housing proposed, the affordable housing that will be secured in the Legal Agreement and the open space that will be available for the community to use, including 0.7ha of land gifted to the Town Council.

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

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

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

1. Time Limit for Outline Permissions Part 1 of 3

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

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

2. Time Limit for Outline Permissions Part 2 of 3

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

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

3. Time Limit for Outline Permissions Part 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. Approved Drawings

The drawings hereby approved as part of this application are:

1124.L.001
1124.L.004
1912/08
1912/08A
1912/08D
TPSarbo961119TPP

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

5. Housing 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

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. It is expected that this schedule is submitted as part of any reserved matters submission.

6. Electric Charging Points

The development shall not commence above damp-proof course level until a scheme for the provision and implementation of electric vehicle (EV)

charging points has been submitted to, and approved in writing by, the Local Planning Authority. The EV charging points shall be installed prior to the first occupation of their respective dwellings.

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

7. SuDS

No works except demolition 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 approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Limiting discharge rates to 9.3l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 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.

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 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

8. SUDs Maintenance and Management

No occupation of the development shall take place until a Maintenance and Management Plan detailing the maintenance arrangements including who

is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be 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 and to ensure that the SUDs are maintained for the lifetime of the development.

9. SUDs Monitoring

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.

10. Ecology

No works shall take place above damp-proof course level until an Ecological Enhancement and Mitigation Plan (EEMP) has been submitted to and approved by the Local Planning Authority. The EEMP shall follow the principles set out in the submitted ecological reports as a minimum. The development shall then be carried out and maintained in accordance with the approved EEMP.

Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

11. Tree Protection

No works shall commence until tree protection works have been implemented in accordance with the approved Arboricultural Impact Assessment. Any Reserved Matters application shall be designed in accordance with and take due regard for the approved Arboricultural Impact Assessment.

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

12. Used Water Sewerage Network

No works shall take place above damp-proof course level until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

13. Highway Works

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

- a) A priority junction off Dawes Lane to provide access to the proposal site as shown in principle on the planning application drawings
 - b) Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the local planning authority prior to commencement of the development)
 - c) Footway improvements (widening to 2 metres where possible) along Dawes Lane between the proposal site access and East Road and between the East Road/Dawes Lane junction and the pair of bus stops located in East Road to the east
 - d) A dropped kerb/tactile paving crossing point in Dawes Lane at its junction with East Road
 - e) A dropped kerb/tactile paving crossing point with new section of footway in East Road in the vicinity of the bus stops located to the east of the Dawes Lane junction
 - f) Residential Travel Information Packs in accordance with ECC 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.

14. 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.

15. Landscape Management Plan

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.

16 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 unless otherwise agreed in writing with the Local Planning Authority 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.

17. Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place 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.

18. Fires

No fires may be lit on site at any time.

Reason: In the interests of neighbouring amenity.

19. Archaeology

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

The Scheme shall include an assessment of significance and research questions;

and:

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

The site investigation shall thereafter be completed prior to development, or in such

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and

timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

19.0 Informatives

19..1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

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

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

3.ZTB - Informative on Any Application With a Site Notice

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