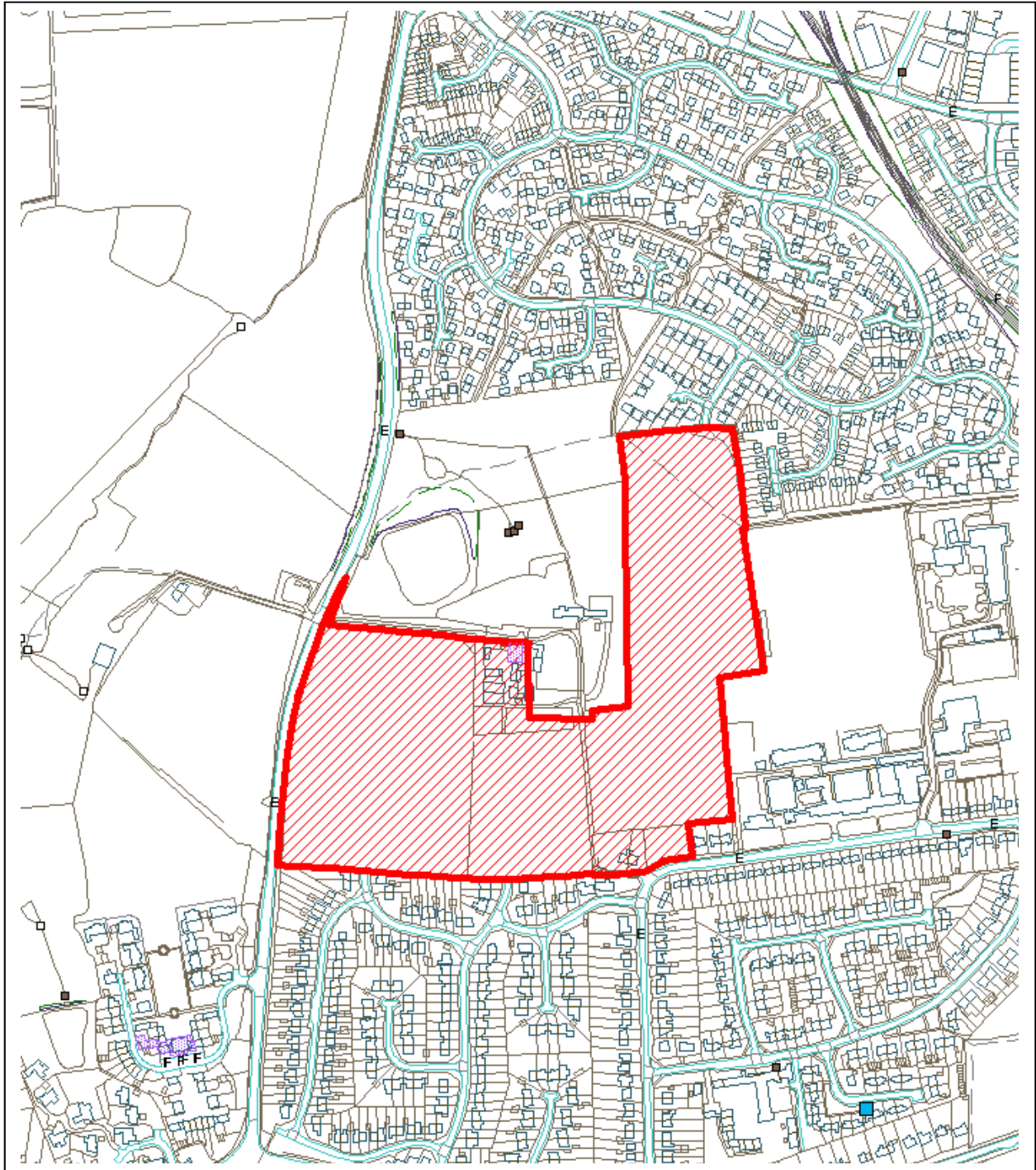


PLANNING COMMITTEE

11 NOVEMBER 2014

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 14/01050/DETAIL - LAND AT DALE HALL, COXS HILL, LAWFORD, MANNINGTREE, CO11 2LA



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Application:	14/01050/DETAIL	Town / Parish: Lawford Parish Council
Applicant:	Rose Builders (Properties) Limited	
Address:	Land at Dale Hall, Coxs Hill, Lawford CO11 2LA	
Development:	The erection of 150 houses with associated garages on 7.45 hectares with two vehicle access points, site roads, parking for school buses, footpaths/ cycle routes and boundary landscaping. The erection of approximately 700m ² of B1 use buildings on 0.2 ha of land and 2.6 ha of Community Open Space to include a children's playground.	

1. Executive Summary

- 1.1 The site forms part of an allocation within the local plan and as a result the principle of development was considered acceptable when members approved outline permission for the construction of a 150 residential dwellings, the provision of 2.6 hectares of public open space and an element of B1 use under planning reference 13/00452/OUT subject to a legal agreement relating to the following matters:
- (a) Highways contribution
 - (b) Upgrading of the four bus stops in Colchester Road which would serve the proposal site to current ECC specification to include but may not be limited to real time passenger information
 - (c) For the B1 element of the proposal, a non-residential travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan
 - (d) Affordable Housing
 - (e) Public Open Space Management
- 1.2 That application was in outline form with matters of scale, layout, appearance and landscaping reserved for later consideration while the matter of access via the two main access points to the application site, from Cox's Hill and Colchester Road was approved by members.
- 1.3 In accordance with members' request the current application is before members seeking consent with regard to the remaining reserved matters of scale, layout, appearance and landscaping.
- 1.4 This report concludes that there are no material conflicts with planning policy and since no material objections have been raised that outweigh the benefits of the proposed development the application is recommended for approval.
- 1.5 The current application also contains details that have been submitted in order to comply with the requirements of a range of planning conditions attached to the outline approval. In agreeing these details at this early stage it would negate the requirement for a further discharge of condition application to be submitted and members would expedite the commencement of the scheme on site.

Recommendation: Approve Reserve Matters

Conditions:

1. Approved Plans
2. Archaeology - Open Area Excavation
3. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy.
4. Flow rate to manhole 8753 at Cornfold Way in accordance with the surface water strategy.

Outline consent was granted by members on 23rd June 2014. At members' request the current detail application is presented to Committee for consideration of the matters that were reserved for future consideration. Therefore members are advised that the principle of development and main access locations are already approved.

2. Planning Policy

National Policy:

National Planning Policy Framework

Local Plan Policy:

Tendring District Local Plan 2007

- QL2 Promoting Transport Choice
- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- HG1 Housing Provision
- HG3A Mixed Communities
- HG4 Affordable Housing in New Developments
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- COM6 Provision of Recreational Open Space for New Residential Development
- EN1 Landscape Character
- EN5 Areas of Outstanding Natural Beauty (AONB's)
- EN6 Biodiversity

EN6A Protected Species
EN23 Development Within the Proximity of a Listed Building
EN29 Archaeology
TR1A Development Affecting Highways
TR3A Provision for Walking
TR5 Provision for Cycling
TR6 Provision for Public Transport Use
TR7 Vehicle Parking at New Development

Tendring District Local Plan - Proposed Submission Draft (2012)

SD1 Presumption in Favour of Sustainable Development
SD5 Managing Growth
SD7 Securing Facilities and Infrastructure
SD8 Transport and Accessibility
SD9 Design of New Development
PRO2 Improving the Telecommunications Network
PRO3 Improving Education and Skills
PEO1 Housing Supply
PEO3 Housing Density
PEO7 Housing Choice
PEO10 Council Housing
PEO18 Community Facilities
PEO19 Green Infrastructure
PLA1 Development and Flood Risk
PLA3 Water Conservation, Drainage and Sewerage
PLA4 Nature Conservation and Geo-Diversity
PLA5 The Countryside Landscape
PLA6 The Historic Environment
PLA8 Listed Buildings

MLM4 Development East of Cox's Hill, Lawford

3. Relevant Planning History

TRE/4/82	Remove deadwood and one branch	Current	25.01.1983
94/00490/LBC	(Dale Hall, Lawford) Demolition of existing Victorian Porch	Refused	23.08.1994
99/00525/FUL	Change of use of outbuildings from workshop and garaging to single family dwelling to be used for staff accommodation in conjunction with Dale Hall manor house.	Approved	11.08.1999
99/00756/LBC	Change of use of outbuildings from workshop and garaging to single family dwelling to be used for staff accommodation in conjunction with Dale Hall Manor House	Approved	11.08.1999

4. Consultations

4.1 Lawford Parish Council

Lawford Parish Council supports the application. Lawford Parish council has been continually consulted by the developer from the inception of this development scheme and councillors are extremely satisfied that suggestions made by the Parish Council have been accepted and incorporated into the scheme.

Lawford Parish Council welcomes:

- a) The wide choice of housing available in the scheme, which should ensure the development, is multi-generational and appealing to existing and potentially new Lawford residents.
- b) The safe pedestrian/cycle routes to the railway station provided in the scheme which will benefit existing parishioners and new residents alike.
- c) The low density of the development, which will result in a considerable increase in the amount of amenity facilities and recreational space, available to new and existing parishioners.
- d) The apparent adequate car parking facilities provided for each new dwelling.
- e) The good quality and extensive tree and shrub planting scheme.
- f) The potential employment provided by the Start-up offices which will be included in the scheme.
- g) The extension to the Manningtree High School sports field, which will allow pupils to take part in the full range of competitive sports.
- h) The new school Coach Park which will improve road safety for pupils at Manningtree High School and reduce congestion and inconvenience for local residents.

Lawford Parish Council wishes to make the additional comments:

- i) The Strawberry Fields Children's Play equipment scheme, shown on the map should be more centrally located in the recreational space.
- ii) A Restricted Parking Scheme is essential for this housing development, due to its close proximity to the mainline railway station in Lawford.

4.2 Essex County Council Archaeology
Raise no objection subject to a full, Open Area Excavation, condition.

4.3 Environmental Health
The site has had a wide range of uses and there is evidence of possible contaminated land issues which require further investigation. I have not received any further contaminated land reports relating to this site.

I have read through the preliminary contaminated risk assessment report submitted as part of the DAS with 13/00452/OUT and also the officer report and note that there was a commitment for intrusive investigation, asbestos survey and gas monitoring on the site.

I understand that further contamination land investigation reports are expected and I await these before commenting further.

4.4 Regeneration
No comments received, but made comments at outline stage.

4.5 Housing Services
No comments received, but made comments at outline stage. Subsequently affordable housing was included within the completed S106.

4.6 Policy Section
Provided comprehensive comments at outline stage.

4.7 Principle Tree and Landscape Officer
The information provided by the applicant in the Landscape Management Plan describes the methodology for the retention of existing landscape features as well as a detailed specification for the planting and maintenance of all soft landscaping.

The Landscape Management Plan is comprehensive and contains sufficient detail to enable conditions 5,,6 and 10 of planning application 13/00452 to be discharged.

It is noted that Drawing No 1489 A2 10 B states that the open space and a few small parcels of land within the development itself are to be maintained by 'others'

If it is likely that these areas be adopted by Tendring District Council then the Head of Public Experience should be consulted to obtain their views.

4.8 Anglian Water
Raised no objection subject to condition restricting construction of hardstanding areas until works have been carried out in accordance with the surface water strategy.

4.9 Essex Bridleways
Objected to the proposal due to the lack of consideration given to improvement of public rights of way.

4.10 ECC Highways Dept
No objection

4.11 Highways Agency
No objections

4.12 English Heritage
No comments received.

- 4.13 Environment Agency
Objected to the proposal unless Anglian Water could confirm that they are able to accept the surface water discharge from the pond site.
- 4.14 Essex Wildlife Trust
No comments received
- 4.15 Natural England
No objection
- 4.16 Essex Police
No comments received
- 4.17 National Grid
Identified equipment in the vicinity of the access off Cox's Hill. Measures should be put in place to secure the retention of the equipment and safe access to the site.
- 4.18 ECC Schools Service
Provided comprehensive comments at outline stage.

5 Representations

- 5.1 6 Letters of objection have been received. The matters raised in these letters can be summarised as follows with officer's comments in brackets:
- No traffic access should take place through Leftleys Estate (The main site access points from Cox's Hill and Colchester Road have previously been approved at outline stage with no vehicular access from the site through Leftlys Estate).
 - Increase in number of children will put increased pressure on local schools
 - Loss of Green Gap (Principle of development was approved at outline stage).
 - All housing being built in Lawford (This is the site currently being considered. Should other sites be put forward then these will be considered on their merits).
 - Development opposite AONB (Principle of development approved at outline stage while current scheme provides significant levels of landscaping to reduce any impacts on the AONB).
 - Properties will be overpriced (Not a material planning consideration).
 - Pressure on hospitals and schools.
 - Pressure on infrastructure.
 - Harm character of the area (Principle of development approved at outline stage).
 - Noise and disturbance during construction
 - Access from Colchester Road is unacceptable (Highways Authority raised no objection when this access was approved at outline stage).
 - Pedestrian/Cycle way access from Cavendish Drive is unsafe (Highways Authority raised no objection to the final details submitted as part of the current application).
 - Lack of a green buffer zone between proposed and existing development to the south of the site (Landscaping details that have been submitted show the presence of a green hedge between the proposed and existing developments).

6. Assessment

- 6.1 The main planning considerations are:
- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.

- **Access: (a partial reserved matter)** to include vehicular pedestrian and cycle access to the site and the way they link up to roads and pathways outside the site.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area, this could include the planting of trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to the buildings.
- **Scale:** Includes information on the size of the development, including the height, width, and length of each proposed building.

Site description

- 6.2 The southern extent of the Site abuts rear garden associated with Leftleys Estate. Various boundary treatments exist along the length, including close boarded fencing, Leylandii conifer trees, low picket fencing, chain link fencing and no fencing, as well as occasional individual trees and scrub, providing a non-uniform, mixed and untidy appearance to the boundary. Properties generally follow road layout, so the curving street patterns (e.g. Springbank Avenue) dictate the orientation of plot layouts that give rise to a mixture of direct and oblique views of the Site.
- 6.3 The eastern end of the southern boundary borders Colchester Road, a small parcel of rough grassland positioned in between two semi-detached dwellings 137 and 139 Colchester Road and The Manningtree High School. A (secondary) surfaced private access to Dale Hall and Parkview Cottages leads off Colchester Road on this corner behind the Doctors surgery (on the corner of Edgefield Avenue), adjacent to the semi-detached dwellings, and turns to cross the open arable fields. The site boundary at this point is defined by a low chainlink fence, low gappy vegetation, affording views of the site through the gap between properties on Colchester Road.
- 6.4 To the east The Manningtree High School adjoins the Site. The larger scale school buildings and classrooms are all concentrated southwards towards Colchester Road; however the whole site, including playing fields and green space all extends northwards to abut the Dale Hall Estate. The school boundary is defined mostly by metal palisade fencing and there is little vegetation, which allows views in and out.
- 6.5 Traversing the Dedham Vale AONB, the Essex Way heads east to Manningtree and on to Mistley and the Stour Estuary. The long distance recreational route, a Public Right of Way, crosses through Owl's Flight Dell (just north of Dale Hall), along the northern and eastern edge of the site adjacent to residential development, to then pass between the narrow gap between the northern boundary of The Manningtree High School and housing on Lydgate Close and Taylor Drive.
- 6.6 The western part of the Site is defined by its use being under arable cultivation. The fields are small scale and are in part defined by hedgerow boundaries. Overhead power lines criss-cross this part of the site from the south west corner to the north east corner of this parcel, passing through the orchard garden of Dale Hall. A second overhead line crosses Cox's Road from within the AONB to intersect with the first on the Site.
- 6.7 The site boundary with Cox's Hill is defined by various mixed lengths of fence including post and rail and chestnut pale, interspersed with vegetation and occasional small trees, such as oak, maple, beech. The southern end of the site is more vegetated with a group of inappropriate conifer trees set inside the boundary.

- 6.8 The landform falls gently from south-east to north-west on the edge of the plateau. The upper parts of the Site lie at approximately 35m Above Ordnance Datum (AOD) at the Colchester Road boundary, falling evenly to 30-31m AOD on the northern boundary and 33m on the western boundary.
- 6.9 There are views north and north-west from the site across the Stour Estuary to south facing valley slopes in the direction of Brantham, Cattawade, East Bergholt and Dedham. These views however are often limited, being within between gaps in built form or vegetation or disrupted by rooftops/ridgelines, so consequently most site views are short distance views being contained within the Site screened by existing vegetation and residential development.

Proposal

- 6.10 This is a reserved matters application for the development of the site for 150 residential properties with associated garages on 7.45 hectares of land with two vehicular access points, site roads, parking for school busses, footpaths/cycle routes and boundary landscaping. The development would further result in the erection of around 700sq.m of B1 use buildings on 0.2 hectares of land and 2.6 hectares of community open space to include a children's playground.
- 6.11 All matters in relation to appearance, landscaping, layout and scale will be considered as part of this current application. The matter of access was partially reserved in so far as it relates to the internal access arrangements of the final layout. The two main access points to the proposed development site from Colchester Road and Cox's Hill respectively were approved by members at outline stage.
- 6.12 As was reported at outline stage the development would still comprise a mixture of residential dwellings types with associated garaging, vehicular and pedestrian access and parking. The housing would be located wholly towards the southern end of the Site.
- 6.13 In addition to the residential element approximately 700sq.m of B1 use buildings would be provided on 0.2 hectares of land currently occupied by various barns and outbuildings.
- 6.14 The residential area would be divided into 2 parts, A and B. Part A would comprise low density housing on the west side of the site (adjacent to Cox's Hill and the AONB). Part B to the east would be higher density.
- 6.15 It is proposed that area A would be accessed from a new junction on Cox's Hill and this would also serve the converted barns as part of the 0.2 hectares employment land at Dale Hall. Area B would be accessed from Colchester Road. A bus park is also proposed for Manningtree High School and would use the same access.
- 6.16 There could also be an extension to the school grounds for additional recreation space of 0.75 hectares.
- 6.17 The proposal includes 2.6 hectares of Community Open Space provision as part of the final development located primarily to the north of the Site.
- 6.18 Overhead cabling on site would be re-routed underground.
- 6.19 New planting would form an integral part of the scheme and detailed matters in this regard will be considered as part of the current application.

Planning History

- 6.20 Application 13/00452/OUT was an outline application with all matters, apart from the main access points to the site, reserved for later consideration. Permission was granted subject to the completion of a S106 agreement to secure:
- Highways contribution
 - Upgrading of the four bus stops in Colchester Road which would serve the proposal site to current ECC specification to include but may not be limited to real time passenger information
 - For the B1 element of the proposal, a non-residential travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan
 - Affordable Housing
 - Public Open Space Management
- 6.21 A document securing the above contributions was completed and signed by all parties resulting in formal approval of outline application 13/00452/OUT.
- 6.22 The application before members deals with the matters that were reserved for future consideration. These were appearance, landscaping, layout and scale. In law no other issues can be considered.
- 6.23 Therefore the principle of development and access locations are not issues that are before Members for consideration.

Appearance, Layout and Scale

- 6.24 Since the granting of outline permission the application has been the subject of numerous meetings to discuss design and layout issues. The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.
- 6.25 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Councils commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.
- 6.26 In terms of provision of private amenity space, Policy HG9 of the Tendring District Local Plan 2007 states that private amenity space for houses with three or more bedrooms shall have a minimum of 100 sq.m whilst houses with two bedrooms shall have a minimum of 75 sq.m. Policy PEO4 of the draft Local Plan requires development proposals for 2, 3 and 4 bedrooms houses to have private amenity space to be at least equal to the total internal floor area of the dwelling.
- 6.27 In this instance, most units would meet the policy requirements of policy HG9. However some units would fail the garden space requirements under policy PEO4. It is considered that given the status of the draft Local Plan, and limited weight can be applied to the policies contained within it. The applicants have indicated that garden sizes accord with the requirements of stakeholder consultation and the provisions of the Essex Design Guide. The shortfall in garden areas would in the main be limited to the higher density housing located on the eastern urban boundary which includes 'starter homes'. The modest gardens associated with these properties are to ensure that properties are not extended and thereby remain available for their intended use in the future.
- 6.28 In addition members should note that there is significantly more open space provided within the scheme than required by local plan policies, in particular community open space and within street scene layouts which include verges and communal landscaped spaces.

Having regard to the above officers consider that on balance the gardens sizes proposed are deemed to be acceptable, and the proposal creates an acceptable form of development to future users.

- 6.29 Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and the places and the integration of new development into the built environment.
- 6.30 A scheme of this size, requires different height zones to ensure an appropriate rhythm and variety in roof forms to add interest throughout the development, and break up the building heights along the street frontage. The proposed dwellings have been designed to maintain an overall similar scale but with varied eaves and ridge heights to create that visual interest. The applicants have also proposed a lower than normal average housing density, which creates significant areas of community open space, delivers safe off-road school bus parking and to provides high quality urban design reflecting the best of the area's rich heritage.
- 6.31 With regards to scale, the proposed development is mainly two-storey in height although a number of bungalows have also been included to the southern end of the site to reflect the character of established development beyond the site in this location. In order to create a strong sense of place, the proposed scheme demonstrates variations in character through variations in design as well as the utilisation of a wide pallet of materials.
- 6.32 In accordance with policy MLM4 a section of the northern part of the site immediately adjacent to the boundary with Dale Hall has been identified for B1 use and associated parking. The buildings that constitute this courtyard complex are mainly single storey in design and it is proposed to use materials that would be characteristic of traditional farm buildings. Officers consider that the design approach and material pallet proposed would result in a development that would reflect the agricultural outbuildings at Dale Hall and consequently maintain the character, appearance and setting of the Grade II Listed Building at Dale Hall.
- 6.33 The overall scheme contains traditional Essex house types with simple elevations in a traditional layout with shallow front gardens and front doors that address the street. The materials submitted include high quality soft red bricks, buff coloured bricks, multi stock bricks, natural and white weatherboarding, clay/slate plain and pan tiles, timber windows to plots 6-9 and uPVC windows elsewhere. These materials would be acceptable and conform to the Councils material guidance.

Layout

- 6.34 Overall the layout of the scheme constitutes spacious low density housing on the western boundary of the site with the AONB (Area of Natural Beauty) interspersed with appropriate grassland and other landscaping which reflects the natural landscape for the upper slopes surrounding the Stour Valley. Additional character landscaping is included at the Coxs Hill entrance and along streets and within house gardens.
- 6.35 Policy MLM4 of the Draft Local Plan (2012) requires any development of this site to provide a safe pedestrian footpath/cycleway through the development linking the existing residential areas to the north and south and providing a green link to the open countryside along Cox's Hill.
- 6.36 In this regard footpath/cycle routes have been provided through the site from Cavendish Drive and Springbank Avenue to the south leading to Manningtree station and the Town

centre to the north beyond the site. Roads within the scheme have also been designed to be pedestrian friendly with low traffic speeds, grass verges and landscaped squares.

- 6.37 Policy MLM4 also requires 2.5 hectares of land for the provision of public open space and an extension of the playing field at Manningtree High School. In this regard 0.75ha of public open space has been provided whilst a further 0.75ha of land has been set aside for the school playing field extension. In addition, new community woodland is to be planted within the community open space available and will be available to new and existing residents.
- 6.38 Higher density housing located on the eastern urban boundary to include 'starter homes' with modest gardens to ensure the properties are not extended and thereby remain available for their intended use in the future.
- 6.39 With regard to affordable housing the stakeholder consultation process identified the need for an alternative approach to the 'normal' affordable housing provision. The consultation process identified the need for housing provision for the young, (sub 38 years of age). Out of the discussions with local stakeholders, the Council's housing department and planning officers a consensus was agreed for a concept that the affordable housing provision should be provided in the form of 'Almshouses for the young'. As a result 8 Almshouses have been provided as part of the scheme and located within the south eastern section of the site.
- 6.40 In accordance with policy MLM4 and as part of the section 106 agreement a coach park has been provided to the south eastern boundary of the site. This coach park will remove the requirement for busses to park up in Colchester Road improving the free flow of traffic along this busy residential road. It will be accessed from Colchester Road and will provide a safe and convenient area for school children from which to enter and leave the school premises.

Residential Amenity

- 6.41 Policy QL9 and QL11 of the Tendring District Local Plan (2007) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.42 The existing dwellings on the southern boundaries of the site are set some distance from the development boundary of the site. The proposed dwellings at this end of the site have also been set well into the site to ensure that sufficient back to back distances are achieved between the existing and proposed dwellings.
- 6.43 The proposed scheme will not cause a materially harmful impact on the neighbouring amenity of existing dwellings in terms of overlooking, overshadowing or oppressiveness.

Access

- 6.44 Paragraph 4 of the NPPF sets out the criteria for promoting sustainable transport and in this regard stipulates in Paragraphs 34 to 36 how this should be approached. The overall aims and objectives of the NPPF are supported by Policies contained within Chapter 7 of the Tendring District Local Plan (2007) as well as by Policies SD8 and PEO4 of the draft Local Plan.

- 6.45 Paragraph 37 stipulates that there should be a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
- 6.46 The principal vehicular access into the development shall be off Cox's Hill with a secondary access off Colchester Road. These two main access points have previously been approved by members as part of outline planning application 13/00452/OUT.
- 6.47 The Highway Authority requested a number of amendments to the geometry of the internal layout. These amendments have been made and the Highway Authority has confirmed they have no objection to the scheme.
- 6.48 Internally the development has been arranged over a hierarchy of streets, with two formal spine roads and secondary tree lined streets providing access to the smaller range of shared surface streets.
- 6.49 The majority of parking spaces have been provided within the curtilage of the individual properties. In the higher density areas to the eastern section of the development where this is not achievable parking has been provided in shared parking courtyards.
- 6.50 In accordance with the requirements of policy MLM4 of the Adopted Local Plan (2012) footpath and cycle links have been included so pedestrians can permeate through the site gaining access to Manningtree station and the town center. The main access routes also incorporate speed restraint tables and speed restraint bends thus reducing overall vehicle speeds within the development facilitating the permeability of the site for pedestrian and cycle access.

Landscaping

- 6.51 Landscaping is often considered as an afterthought by developers, to the detriment of the completed development. In this case landscaping of site has formed an important part of the progress meetings that have been held between the developer and officers since the outline application was approved by members. A landscape architect has been engaged and full landscaping details have been submitted. This has resulted in a welcome and positive aspect of the proposals. The Council's Principal Landscape and Tree Officer has confirmed the landscaping scheme is of a high quality.
- 6.52 The applicant has submitted a Strategic Landscape Proposal and Landscape Strategy which sets out the hard and soft landscaping strategy for the development site. The application proposes a large flood attenuation pond within the area of community woodland to the north corner of the site. This in combination with a number of swales will form key features which will help deliver the SUDS strategy for the development.
- 6.53 The landscaping details submitted also show that different species will be planted within different parts of the site which will assist with both legibility and help to define the different character areas that are being created.
- 6.54 Landscaping has also been included along the western boundary of the site in accordance with the policy MLM4 which requires a landscaping buffer that will help to reduce any material adverse impacts on the Dedham Vale Area of Outstanding Natural Beauty, located on the opposite side of Cox's Hill, and views from Lawford Church and Conservation Area.

Biodiversity

- 6.55 The site has been the subject of a wildlife survey. This concluded the site was of low ecological value generally.

- 6.56 The NPPF requires that where applicable biodiversity enhancements should be included as part of a new development.
- 6.57 The existing development site is predominantly open farmland. The ecological survey submitted at outline stage concluded there was little natural flora or fauna to be found because of the crop rotation and cultivation associated with modern farming techniques.
- 6.58 Established private gardens are recognised as supporting a wide range of biodiversity. However, in addition the scheme proposes extensive swales in association with its sustainable urban drainage system. The applicants have indicated that these areas will be planted and managed in a way that supports a wide variety of wild flowers and grasses which in time are strengthened by locally occurring species which will naturally migrate to the site. It is officers' view that this type of habitat will naturally attract indigenous plants, birds and insects.
- 6.59 Also, areas of community open space will be kept for public use in perpetuity. The landscape drawings submitted as part of the current application show how this community open space will be enhanced and includes a comprehensive scheme of habitat establishment showing wild & mown areas, a wetland habitat and significant tree planting. Officers anticipate that this would result in new populations of insects, birds and mammals spreading from surrounding natural habitats to form a varied and comprehensive habitat to increase biodiversity.
- 6.60 Officers however note that the principal green link associated with the application site lies directly to its northern boundary and consists of private land and a reservoir with the Dale Hall Farmhouse and the Owls Flight Dell public open space north of Dale Hall. Open countryside is located to the west consisting of mixed farmland within the Dedham Vale Area of Natural Beauty. While some species will be able to cross between the site and the AONB across Coxs Hill, others will be at risk or constrained from doing so. The site does remain entirely accessible to wildlife from the north.
- 6.61 In response to the above the applicants have submitted details of a primary green corridor running east west located to the north of the development. The Essex Way will also provide a biodiversity corridor extending east and west.
- 6.62 The scheme will have a distinctly green feel and has been devised around Secondary Green Corridors which connect the bulk of the development to the green areas to the north. Attention has been given to provide natural habitat within the front gardens in the Secondary Green Corridors as well as providing trees, landscaping and grass along the roads. There is also an east / west Secondary Green Corridor linking the roads within the development.

Drainage and Flood Risk

- 6.63 The NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.
- 6.64 It is noted that the Environment Agency raised an objection to the proposal unless Anglian Water could confirm that they are able to accept the surface water discharge from the pond site. In this regard Anglian water submitted comment which indicated that the surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian

Water is acceptable subject to flow rate to manhole 8753 at Cornford Way is kept at a maximum of 5 litres per second. It was also requested that the agreed strategy is reflected in the planning approval.

- 6.65 The Essex County Council SUDS team do not make any specific comments but provide standing advice.

Other Matters

Essex Bridleways

- 6.66 With regards to section 106 monies sought by Essex Bridleways Association in upgrading the Bridleway (170_49 and 170_32), Policy SD7 of the Draft Local Plan states planning permission will not be granted for new development unless the individual or cumulative impacts of development on infrastructure can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.
- 6.67 The policy states that the Council will use appropriate legal agreements or apply CIL to secure increased capacity for schools, green infrastructure and for improvements to the transport network including environmental improvements to pedestrian spaces.
- 6.68 However to secure these the tests of CIL have to be applied. The legal tests for when you can use a S106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
1. Necessary to make the development acceptable in planning terms
 2. Directly related to the development; and
 3. Fairly and reasonably related in scale and kind to the development.
- 6.69 It is considered in this instance the requirement for improvements to the existing bridleways does not meet the 3 tests.

National Grid

- 6.70 It is noted that national Grid identified equipment in the vicinity of the access off Cox's Hill.
- 6.71 At the time of writing this report detailed discussion in relation to the options for dealing with protecting or moving the pipeline at the area where it will intersect with the proposed new highway access on to Cox's Hill has been taking place.
- 6.72 The focus at this time was the production of an engineering solution whereby an additional protective box would be constructed under the new highway access. To this end the applicant provided an indicative drawing to National Grid with a suggested solution.
- 6.73 The applicant has subsequently submitted a fully worked up engineering proposal to National Grid the results of which officers will report to members on the night of committee.

Contamination

- 6.74 It is noted that Environmental Health have highlighted issues around possible contamination and stated that a further report is expected. To ensure accurate results measurements have to be taken some time apart. Consequently the final reports are currently being drafted for submission to Environmental Health. Members will be updated as to Environmental Health's final comments once they have had an opportunity to consider the final reports.

Discharge of conditions contained within the Outline Planning consent

6.75 The Outline Planning permission was granted subject to a number of conditions many of which require the submission and approval of further details. This Reserved Matters Application contains all the further information required for further approval with the intention that no submissions for written approval will be required.

6.76 The specific conditions for which further details are required within this Reserved Matters Application are:

- **Condition 3 – Submission of reserved Matter**

The details with regard to **Appearance, Access, Landscaping, Layout and Scale** have been submitted and agreed as part of this application.

- **Condition 4 – Site and finished site levels**

The site is currently mainly flat agricultural land and the details submitted in accordance with condition 4 indicate that the development of this site is unlikely to result in any significant increase in levels across the site. This will ensure that the proposed development respects the character of the area while also maintaining the existing patterns of development to the south and north of the site.

- **Condition 5 – Hard and soft Landscaping**

In accordance with the requirements of this condition Landscape Design Details produced by Liz Lake Associates and associated plans were submitted by the applicant. Officers consider that the details submitted will ensure effective flood attenuation measures, assist with the legibility and help to define the different character areas that are being created and help to reduce any material adverse impacts on the Dedham Vale Area of Outstanding Natural Beauty, located on the opposite side of Cox's Hill, and views from Lawford Church and Conservation Area.

- **Condition 9 – Layout and Phasing Programme**

This condition was imposed to ensure a well-designed and laid out development which provides adequate access and public space in such a way to coincide with the delivery of housing. Details submitted to satisfy this condition identify 6 phases. These are:

- Phase 1 - Main access points from Colchester Road and Cox's Hill, hydrological attenuation feature, community woodland/wetland, sales office, show houses at Cox's Hill Entrance and associated feature entrance bricks and piers.
- Phase 2 – To include community open space and land for playing field extension, high and medium density elements of scheme.
- Phase 3 – To include second stage of high and medium density residential element as well as some of the lower density residential dwellings to the west of the site and the MUGA.
- Phase 4 – Will mainly include residential development north of Cavendish Drive and the larger residential properties to the northern boundary of the site near Dale Hall.
- Phase 5 – To include the final stage of medium density residential development to the eastern side of the site as well as the coach park.
- Phase 6 – Will focus mainly on the delivery of the business units to the northern section of the site

In accordance with the above officers consider that this proposed phasing programme will deliver the development in accordance with the requirements of condition 9 whilst

also having regard to the contents and timings as set out in the S106 signed at outline stage.

- Condition 10 - Samples of Materials

This condition was imposed to ensure that the final development is of a high quality while respecting the character of the area as well as the Listed Building at Dale Hall. In accordance with this condition the applicants have suggested the following material pallet:

- Terca Hurstwod Multi Buf Stock
- Weinerberger Old County Blend
- Weinerberger Olde Horsham
- Natural Weatherboard
- White Weatherboard
- Render
- Spanish Natural Slate
- Sandtoft Old English Clay Pantile
- Sandtoft Humber Flanders Plain Tile
- Timber and uPVC windows
- Kentbury Multi Marley Ashdown
- Ashurst Plain Tile Acme
- Burnt Flame Plain Tile
- Marley Anglia Grey Pantile
- Marley Neo Flanders Pantile
- Redland Old Holow Pantile
- Vintage Red Marley
- Anglia Old English Dark Red Pantile
- Sandtoft Neo Antique Slate Pantile
- Redland Old Holow Pantile Vintage Blue

Offices consider that these materials have been carefully selected to reflect the local Essex vernacular as well as to be appropriate alongside the setting of Dale Hall. Where possible the materials will be locally sourced. In accordance with these details it is considered that the requirements of condition 10 have been met.

- Condition 11 - Construction methodology for Hydrological Attenuation Feature and Sustainable Urban Drainage System

The engineering details prepared by KWL Associates were submitted to the Environment Agency for comment. Whilst the Environment Agency raised an objection to the proposal this was subject to Anglian Water confirming that they are able to accept the surface water discharge from the pond site. In this regard Anglian water submitted comments which indicated that the surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable subject to flow rate to manhole 8753 at Cornford Way is kept at a maximum of 5 litres per second. A condition will be attached to any permission securing this flow rate in accordance with the Surface Water Strategy.

- Condition 13 - Access design details

KWL associates prepared engineering drawings setting out the access design details as required by condition 13. These details were submitted to both the Highways Agency and Essex County Council Highways. Neither of these bodies raised any objection to the submitted details. On this basis members are advised that constructing the scheme in accordance with these details would result in a development that would accord with

National and Local Plan Policies relating to highway and pedestrian safety and accessibility.

- Condition 16 - Details of, and phasing for the provision of foul drainage

Details contained within the Drainage Strategy prepared by KWL Associates indicate how in accordance with Anglian Water requirements the foul drainage from the development will be piped to the existing public foul sewer in Cornford Way. Anglian Water has confirmed that the existing Public Foul Sewage system has sufficient capacity to accommodate a connection from the development. In addition a range of technical drawing have been submitted with regard to the foul drainage and its phasing. Anglian Water considered these drawings and raised no objection subject to a condition relating to flow rates at the manhole in Comford Way.

- Condition 17 – Building for Life 12 Assessment

In accordance with the requirements of this condition the applicants have submitted a Building for Life 12 Assessment. This assessment sets out how through applying specific design and layout principles a high quality scheme can be achieved. The report concludes that a score of “12 Green” will be achieved ensuring a development that of high quality in accordance with the requirements of condition 17.

- Condition 18 – Sustainability report

This condition was imposed in order to secure a sustainable and energy efficient development in accordance with National and Local Plan Policies. In accordance with requirements of this condition the applicants submitted a detailed Sustainability Report which highlights measures such locally sourcing materials and minimising waste in order to achieve high sustainability standards. Officers have considered the contents of the sustainability report and conclude that it satisfies the requirements of condition 18.

- Condition 19 – Archaeology

Notwithstanding the details submitted as part of the Reserved Matters application Essex County Council Archaeology have requested that a further condition with regard to Open Area Excavation be included as part of any approval.

- Condition 20 – Surface water drainage

After consideration of the engineering details prepared by KWL Associates and associated drawings officers conclude that the surface water drainage for the proposed development has been carefully considered and that that the systems, infiltration devices and SUD’s features constitute the most appropriate solutions for the proposed development.

- Condition 21 – Construction Method Statement

Agreed in accordance with details contained within the Construction Package submitted in support of the Reserved Matters Application.

Conclusion

6.77 It is considered that the development of the application site in the manner proposed for 150 residential dwellings, the provision of 2.6 hectares of public open space and an element of B1 use in accordance with the details submitted in support of the Reserved Matters Application would result in a high quality development that could be achieved in compliance

with the National and Local Plan Policies identified above and approval of the Reserved Matters application is recommended on this basis.

Background Papers

None.