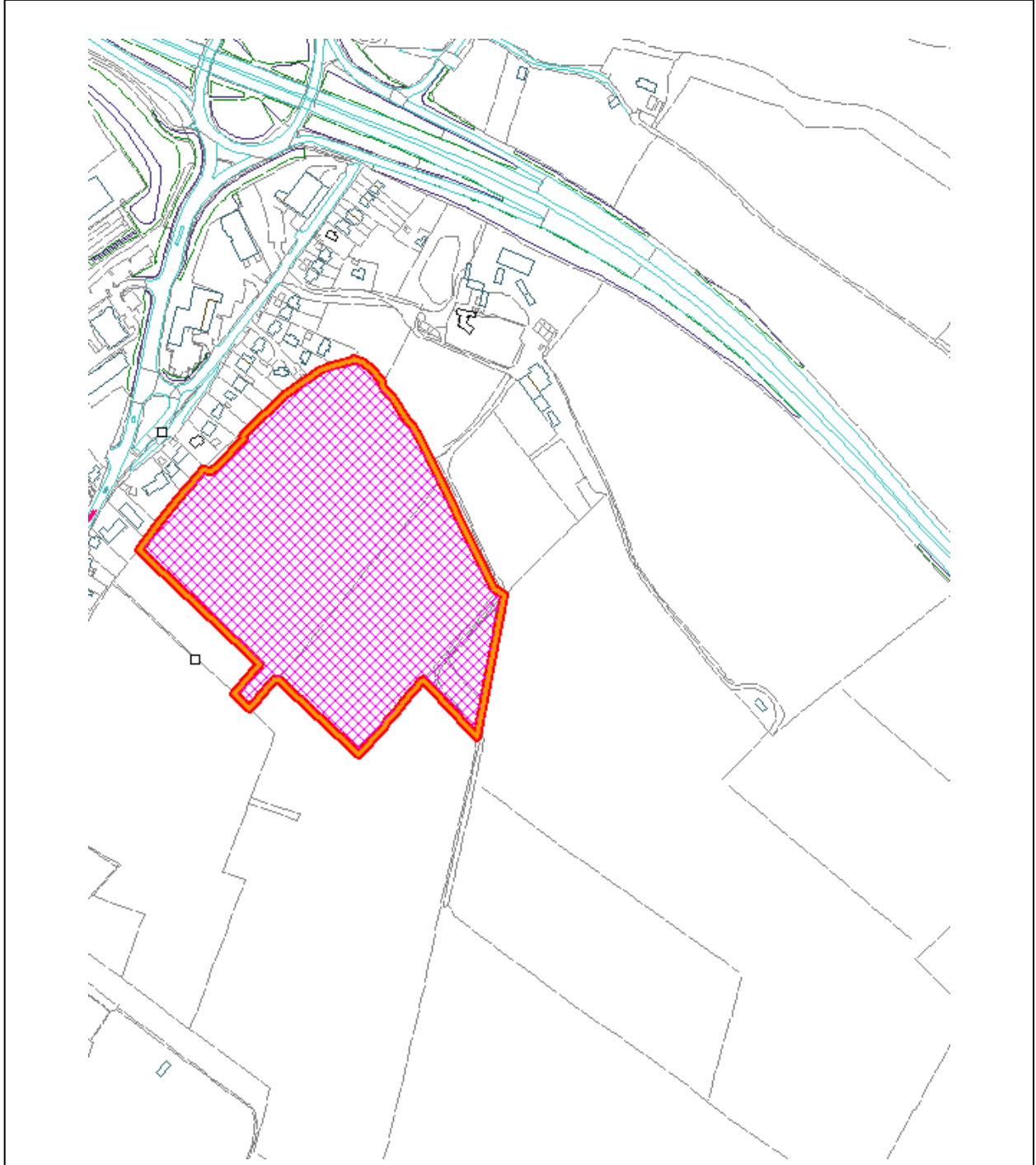


PLANNING COMMITTEE

22 September 2015

REPORT OF THE HEAD OF PLANNING

**A.6 PLANNING APPLICATION - 15/00932/OUT - LAND NORTH OF FORMER BETTS
FACTORY IPSWICH ROAD, CO4 4HE**



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Application:	15/00932/OUT	Town / Parish: Ardleigh Parish Council
Applicant:	Miss Viktoria Oakley - Land Improvements Holdings Colchester	
Address:	Land North of Former Betts Factory Ipswich Road CO4 4HE	
Development:	Outline planning permission for the erection of up to 120 dwellings (C3) including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure with all matters reserved apart from access at Land North of the Former Betts Factory, Colchester.	

1. Executive Summary

- 1.1 The application was received on 23rd June 2015 and is due for determination by 24th September 2015. As an outline application, approval is being sought for the principle of development for up to 120 dwellings with associated open space and infrastructure, with all other matters reserved for approval (apart from access) through a detailed application at a later date. The applicant has however submitted detailed supporting information that demonstrates how an acceptable scheme could be achieved on the site.
- 1.2 The site comprises 6.98ha hectares of grassland that was formerly a commercial orchard, east of Ipswich Road on the north eastern edge of Colchester; around 2.5 miles from the town centre. The site lies adjacent to the former Betts Factory which was granted outline planning permission for residential use by Colchester Borough Council and Tendring District Council in 2013. That site is currently being delivered with few modifications to the outline applications.
- 1.3 The site is broadly rectangular in shape and the local topography is generally flat and is bounded by Plains Farm to the north. To the south and east is Bullock Wood, which is a designated Site of Special Scientific Interest (SSSI) and ancient woodland. The site and the northern part of Bullock Wood lie within Tendring's boundary. Along Ipswich Road there is established residential development. On the opposite side of Ipswich Road is the edge of a significant area of commercial and industrial development characterised by storage buildings, car showrooms and repair facilities. Established residential development is also located on the same side of the road as the commercial development to the north-west.
- 1.4 The site is outside of the settlement development boundaries, as defined in both the Council's adopted and emerging Local Plans. However, because the Council is currently unable to identify a five-year supply of deliverable housing sites along with a 20% 'buffer', as required by the National Planning Policy Framework, the Council's housing policies are out of date and Officers have had to consider the application on its merits in line with the government's 'presumption in favour of sustainable development'. The site was identified as a sustainable location for up to 200 dwellings in the 2014 SHLAA for delivery of homes between 2018 - 2022.
- 1.5 The proposal has attracted four objections from individual members of the public. Ardleigh Parish Council has written supporting the development and highlighting a number of concerns relating mainly to the cumulative impact of further housing development on local infrastructure. There are no outstanding objections from any of the statutory consultees or other technical bodies.

- 1.6 The Highways Authority has no objection to the scheme subject to conditions and the Education Authority has no objection subject to securing a financial contribution toward education provision. Anglian Water has no objection to the scheme and the concerns that Essex County Council originally had in relation to drainage have been resolved with an addendum to the FRA and planning conditions recommended by the LLFA. TDC Officers advising on open space, housing, environmental health and trees and landscapes have commented on the application and have no objections to the proposal subject to appropriate conditions or legal agreements being put in place to secure an appropriate level of Council/affordable housing, to secure long-term maintenance for the proposed open space and to retain and enhance important trees and landscape features.
- 1.7 With appropriate landscaping the site will be well contained within the landscape and the visual and landscape impact is considered to be low. The site has low to intermediate ecological value and development can take place without any adverse impact on important trees. Proximity to three nearby listed buildings has been considered, but the potential impacts are not considered significant enough to justify the refusal of outline planning permission and will be considered in further detail at the reserved matters stage.
- 1.8 The applicant has undertaken public consultation with exhibitions being held on 29th and 30th May 2015, a meeting with Plains Farm Close residents on 21st May, a meeting with the Parish Council on the 18th February 2015 and a meeting with St.John's Residents Association (Colchester) on 1st July 2015. A Statement of Community Involvement has been submitted to outline the findings of the consultation which suggests limited public interest in this proposal despite extensive consultation, which is supported by the interest shown through the formal consultation process. There has also been extensive engagement between the landowner and Officers and statutory consultees.
- 1.9 The indicative layout submitted by the applicant demonstrates that a scheme of 120 dwellings could be accommodated on the site in an appropriate manner with no materially adverse visual impact on the character or appearance of the area, while complying with well-established urban design and secured-by-design principles.
- 1.10 Officers consider that the proposal satisfies the three dimensions of 'sustainable development' as set out in national planning policy (economic, social and environmental) and the application is therefore recommended for approval subject to the satisfactory completion of a Section 106 planning obligation to secure affordable housing, public open space, and a financial contribution toward educational facilities to make the development acceptable, as well as a number of planning conditions.

Recommendation: Approve

That the Head of Planning be authorised to grant planning permission for the development subject to:-

a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- On-site Council Housing/Affordable Housing/Financial Contribution;
- Education contribution;
- Health contribution;
- Open space maintenance contribution;
- Sports and leisure contribution to Colchester BC;
- Completion and transfer of public open space and

- Completion and transfer of Bullock Wood

b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate).

(i) Conditions:

1. Confirm Reserved Matters (Appearance, Landscaping, Layout, Scale)
2. Standard 3 year time limit for submission of reserved matters application.
3. Standard 2 year limit for commencement of development following approval of reserved matters.
4. Details to accord with submitted parameter plans.
5. Development in accordance with noise, light and pollution standards (EHO)
6. Development in accordance completed Outline CEMP
7. Contaminated Land
8. Wheel Cleaning Facility
9. Access road provided and travel information packs
10. Restrict conversion of garages without planning approval
11. Parking strategy to be submitted
12. Fencing Bullock Wood
13. Landscaping details
14. Earthworks to be agreed
15. Arboriculture Method Statement
16. Reptile Method Statement
17. Management of communal storage areas
18. Detailed surface water drainage strategy
19. Flood management during construction phase
20. Maintenance for drainage strategy
21. Maintenance logs of drainage management

c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. **Planning Policy**

National Policy:

The National Planning Policy Framework (NPPF) (2012):

The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.

Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it

should be approved and where it does not it should be refused - unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

Local Plan

Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) - as 'saved' through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy

Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice

Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development

Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs

Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts

Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations

States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land

Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).

Relevant policies include:

SD1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SD3: Key Rural Service Centres

Identifies Elmstead Market as a 'Key Rural Service Centre' where a fair and proportionate increase in housing stock is proposed with no single housing development exceeding 50 dwellings.

SD5: Managing Growth

Seeks to direct new development to sites within settlement development boundaries.

SD7: Securing Facilities and Infrastructure

Requires developments to address their individual or cumulative infrastructure impacts and states that the Council will use planning obligations and/or CIL (when it is in place), where necessary, to ensure this happens.

SD8: Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

SD9: Design of New Development

Sets out the criteria against which the design of new development will be judged.

SD10: Sustainable Construction

Requires development to maximise measures to reduce energy consumption and reduce carbon emissions and other forms of pollution both during construction and during use.

PRO2: Improving the Telecommunications Network

Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

PRO3: Improving Education and Skills

Requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PEO1: Housing Supply

Sets out the proposed growth in new housing for the district, but is subject to considerable change to ensure compliance with the NPPF, as being overseen by the new Local Plan Committee.

PEO3: Housing Density

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

PEO4: Standards for New Housing

Sets out proposed minimum standards for the internal floor area and gardens for new homes. Internal floor standards have however now been superseded by national standards to be imposed through building regulations.

PEO5: Housing Layout in Tendring

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour, ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient

PEO7: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

PEO9: Family Housing

Promotes the construction of family homes within new housing developments.

PEO10: Council Housing

Requires up to 25% of new homes on large development sites to be made available to the Council, at a discounted price, for use as Council Housing.

PEO19: Green Infrastructure

Requires new developments to contribute, where possible, toward the district's green infrastructure network.

PEO20: Playing Pitches and Outdoor Sports Facilities

Requires new developments to contribute where possible to the district's provision of playing pitches and outdoor sports facilities.

PEO22: Green Infrastructure in New Residential Developments

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

PEO23: Children's Play Areas

Requires new children's play areas as an integral part of residential and mixed-use developments.

PLA 1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PLA3: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PLA4: Nature Conservation and Geo-Diversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PLA5: The Countryside Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

Other Guidance

3. Relevant Planning History

The following planning history mainly relates to the neighbouring Betts Factory site and is provided for context with the neighbouring schemes:

01/01964/FUL	Provision of four plastic silos	Approved	18.12.2001
01/01965/FUL	Infill between buildings to create increased production space	Approved	18.12.2001
91/00981/FUL	Extension to compressor house.	Approved	07.10.1991
97/01574/FUL	(Courtaulds Packaging Ltd, Ipswich Road, Ardleigh) Construction of additional production hall, service roads and associated landscaping.	Withdrawn	15.02.1999
74/00653/FUL	Warehouse for storage of finished work	Approved	16.10.1974
75/00036/FUL	Erection of a sprinkler system pump house	Approved	17.02.1975
77/01217/FUL	The erection of a new warehouse structure	Approved	06.12.1977
79/00097/FUL	Erect a multi span single storey storage building etc	Approved	17.04.1979
90/01032/FUL	Relocation of factory water services including erection of new chiller plant room (revision of TEN/580/89)	Approved	16.10.1990
85/00202/FUL	Single storey building and offices for the manufacture of packaging	Approved	26.02.1985
85/00389/FUL	Additional warehouse (part submission of details under TEN/1187/82)	Approved	21.05.1985
86/01563/FUL	Proposed storage building	Approved	24.11.1986
88/01069/FUL	Construction of a covered loading area adj to warehouse in addition provision of road way around the extn	Approved	27.06.1988

89/00580/FUL	Relocation of factory water services for cooling water	Approved	17.10.1989
81/00906/FUL	Erection of toilet and rest room	Approved	16.06.1981
82/01186/FUL	Warehouse extn (part revision of TEN/440/80)	Approved	29.12.1982
82/01187/FUL	Warehouse extn 18000 sq ft	Approved	29.12.1982
83/00283/FUL	Switch room addition (part variation of TEN/906/81)	Approved	18.03.1983
83/01384/FUL	Pumphouse enclosure	Approved	16.12.1983
84/01283/FUL	Extn to works office	Approved	04.12.1984
78/01732/FUL	Industrial building (18000 sq ft) cooling	Approved	23.01.1979
79/00859/FUL	Extn of existing warehouse building	Approved	31.07.1979
79/00940/FUL	Erection of building to house air compressors to produce compressed air for production use	Approved	01.08.1979
80/00741/FUL	Engineers workshop and stores	Approved	07.05.1980
80/00440/FUL	Extns to warehousing	Approved	17.06.1980
12/00885/OUT	Full planning permission is sought for the demolition of existing buildings, remediation, earthworks, tree protection and tree removal works and the spinal road. Outline planning permission is being sought for the erection of up to 73 residential units (C3 use), hard and soft landscaping, secondary access roads, perimeter enclosure, car parking, open spaces, play areas and lighting.	Approved	23.08.2013
13/00994/DIS CON	Discharge of conditions on previously approved planning application 12/00885/OUT	Approved	27.11.2013

(Full Planning Permission Element) - 03 - Tree removal and retention details, 06 - Scheme of supervision of the arboricultural protection, 07 - Details of wheel washing facilities, 08 - Construction/ works method statement, 12 - Risk assessment to assess the extent and nature of contamination, 13 - Remediation scheme, 16 - Validation Report, 17 - Monitoring and maintenance plan in respect of contamination.

13/01298/NAC ON	Construction of below ground surface water pumping station with associated storage tank above ground control kiosk, hardstanding and security wall & access gates.	Determination	02.12.2013
13/01482/DIS CON	Discharge of condition 16 (Remediation Validation Report) of planning permission 12/00885/OUT (Full Planning Permission Element).	Approved	11.02.2014
14/30152/PRE APP	Development of up to 73 dwellings in accordance with outline consent 12/00885/OUT.		
14/00778/DIS CON	Discharge of condition 7 (Code for Sustainable Homes), 11 (Details of Earthworks), 12 (Details of Tree Protection Fencing), 15 (Arboricultural Implications Assessment, Method Statement and Tree Protection Plan), 16 (Scheme of Supervision for Arboricultural Protection Measures), 17 (Noise Mitigation Measures), 18 (Lighting), 19 (Refuse and Recycling Scheme), 22 (Noise from Plant, Equipment and Machinery) and 26 (Surface Water Drainage Scheme) of planning permission 12/00885/OUT (Outline Planning Permission Element).	Approved	25.09.2014
14/00807/DET AIL	Erection of 70 dwellings, with associated hard and soft landscaping, access roads, perimeter enclosure, car parking, open space, play areas and lighting.	Approved	11.09.2014
14/01726/DIS CON	Discharge of conditions 23 (parking) and 29 (trees) of planning permission 12/00885/OUT.	Approved	23.12.2014
14/01727/DIS CON	Discharge of conditions 02 (external facing and roofing materials) and 03 (surfacing	Approved	23.12.2014

materials) of planning permission
14/00807/DETAIL.

14/30435/PRE APP Outline development proposal for a minimum of 120 dwellings with detailed access for vehicles gained through a boulevard link to the Betts Factory site.

4. Consultations

4.1 Anglia Water

Anglia Water's consultation response is summarised below:

- The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows;
- The sewerage system at present has available capacity for these flows;
- Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval. 'No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority'.

4.2 Essex County Highways

Essex County Highways consider the proposal acceptable and recommend the following conditions:

1. Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

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

- a) An extension of the approved estate road layout for the former Betts Factory site to provide access to the proposal site as shown in principle on the planning application drawings
- b) Residential Travel Information Packs

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, in accordance with policy DM1 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Principal Tree & Landscape Officer

The Councils Principal Tree & Landscape Officer's consultation response is summarised below:

- Information contained in the report shows that the development proposal could be implemented without causing harm to retained trees or to the adjacent protected woodland.
- The adjacent woodland, Bullock Wood is registered as Ancient Woodland and subject to SSSI status. It is protected by Tree Preservation Order TPO/12/01 Bullock Wood (part Of) Land to The East of Ipswich Road, Ardleigh.
- The report identifies the removal of many of the redundant orchard trees and the trees planted on the land as windbreaks. None of these have sufficient amenity value to merit retention or protection by means of a Tree Preservation Order.
- Should consent be likely to be granted then the applicant should be required to provide an Arboricultural Method Statement (AMS) as referred to in the tree report;
- The information contained in the LVIA is a thorough and accurate assessment of the impact and potential harm likely to result as a consequence of the development of the land; and
- Whilst the loss of the old orchard land and grass meadows cannot be considered an improvement to the character or appearance of the area the harm that would arise as a result of the development of the land will not cause a significant adverse impact on the local environs; and
- Details of soft landscaping should be secured as a reserved matter.

4.3 Ardleigh Reservoir Committee

No comment.

4.4 Colchester Borough Council

Colchester Borough Councils consultation response is summarised below:

- Whilst the site for the proposal is located within Tendring District, its geographical location means that the impacts of the development would be on Colchester. It is therefore the case that financial contributions that are secured through mitigation should be allocated to the Colchester area;
- It is reasonable to expect a contribution to meet the demands that will be generated by the new residents for the improvement of existing Colchester recreational facilities. The Council's SPD requirement is calculated at £2,295 per unit (derived from contributions relating to indoor sports halls, swimming and sports changing/ancillary). On the basis of a 120 unit development this would equate to a contribution of £275,400 (120 units @ £2,295 per unit); and
- It is also assumed that Colchester Borough Council will not be required to supply or manage public open space. If this were to be the case a contribution would be sought.

4.5 NHS England

NHS England has been consulted on the planning application and has made representations. NHS England advises that there is a capacity deficit in the catchment practice and a developer contribution of £15,460 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services at Highwoods and Blubell Surgery arising directly as a result of the development proposal and will be secured by a Section 106 agreement.

4.6 Essex County Fire Officer

No comment.

4.7 Essex Wildlife Trust

No comment.

4.8 Natural England

Natural England does not raise any objections to the proposed development subject to conditions:

- The development shall not commence until the applicant has submitted full details of the buffer strip along the boundary with the Bullock Wood SSSI, including details of the associated planting and fencing, and these have been approved in writing by the council following consultation with Natural England; and
- The development shall not commence until the applicant has entered into an agreement with the council to secure the provision of the buffer strip along the boundary with the Bullock Wood SSSI and the other green infrastructure areas within the site, including full details of the proposed long-term arrangements both for the routine maintenance of these areas and for the regular inspection and any necessary maintenance of the fence along the buffer strip.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Bullock Wood SSSI is notified.

4.9 Arch. Liaison Off, Essex Police

No comment.

4.10 Essex County Council Historic and Built Environment

Essex County Council Historic and Built Environment do not raise any objections to the proposed development but identify the fact that the proposed development might have a negative effect on the setting and significance of two listed buildings. This is likely to represent 'less than substantial harm' but the local planning authority will need to determine whether the public benefits of the proposed development outweigh the harm to the designated heritage assets.

4.11 Environment Agency

The Environment Agency confirms that both a Geo-environmental Desk Study and a Ground Investigation report, dated June 2015, submitted in support of the application show that the water environment at this site is of low environmental sensitivity, therefore the Environment Agency will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

4.12 Essex County Suds Team

The consultation response received from Essex County Councils Suds Team recommends the following conditions:

Condition 1

Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. It shall be based on sustainable drainage principles as outlined in the approved Flood Risk Assessment (FRA) and the above referenced addendum.

The scheme shall include:

- surface water run-off generated by the 1 in 100 year + 30% climate change critical storm limited to the 1 in 1 year greenfield run off rate.
- Attenuation storage that contains the 1 in 100 year event inclusive of climate change, the effect of urban creep and a suitable freeboard.
- The appropriate level of treatment for all runoff leaving the site, in line with table 3.3 of the CIRIA SuDS guide.

Reason

To prevent the increased risk of flooding, both onsite and offsite, and minimize the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

Condition 2

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

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

Condition 3

Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

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.

Condition 4

The adopting body responsible for maintenance of the surface water drainage system must record 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.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

4.13 ECC Schools Service

Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC advises that although the application has been submitted to Tendring District Council this proposed development site is located on the edge of the built up area of Colchester town. The site falls within the priority admissions area for Ardleigh St Mary's Church of England (Voluntary Controlled) Primary School. This school is currently operating close to capacity and is forecast to continue to do so for the foreseeable future. However, the parents of children moving onto the proposed development are considered more likely to seek admission for their children to primary schools in Colchester. The nearest primary schools to this proposed development are located in the Colchester group 1 (Colchester north and rural north-east) forecast planning group. This forecast planning group is forecast to have a deficit of 45 permanent school places by the school year 2018-19. This development would place additional pressure on primary school places in this area. In the event that 36 additional primary school places are needed, the formula set out in Essex County Council's Developers' Guide would suggest a contribution of £438,192 (index linked to April 2015 costs) from a development of this size.

4.14 Regeneration

The Regeneration Team has no specific comments to make on this application. However, we would ask that the landowner/developer should clarify the provision of broadband to the site as per the requirements of Policy PRO2 to ensure the development is adequately served.

4.15 Environmental Health

The Councils Environmental Health Team have recommended the following conditions:

Construction Phase

Noise Control

- 1) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 07:00 and 19:00 Monday to Saturday (finishing at 13:00 on Saturday) with no work of any kind that is audible beyond the site boundary permitted on Sundays or any Public/Bank Holidays.
- 2) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:as amended.
- 3) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 4) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

- 5) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 6) No fires to be lit on site at any time.
- 7) On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
- 8) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Failure to follow this condition may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Control of light pollution

No external lighting fixtures shall be installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority.

Any lighting of the development during the demolition/construction phase shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties or cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

4.16 Housing

Update to be provided.

4.17 Opens Space

There is currently a deficit of 1.70 hectares of equipped play/open space in Ardleigh. Any additional development in Ardleigh will increase demand on already stretched facilities and increase the deficit further.

It is noted from the application that open space and play facilities are to be provided within the development boundary. It is therefore recommended that this space and facility are laid out by the developer and transferred to the Council with a commuted sum for its ongoing maintenance as required within the Section 106 agreement for the adjacent Betts Factory site development.

5. Representations

Ardleigh Parish Council

- 5.1 Whilst Ardleigh Parish Council supports this inevitable development, the Council is concerned about the lack of basic infrastructure to support the development, including the lack of available school places, the additional pressure on the hospital (which is already unable to cope), the additional traffic on Ipswich Road and the impact on the wildlife that already inhabits the site. The Council also requires clarification on how the S106 money will be allocated and insists that the full S106 payment is passed to the Parish Council to ensure that the negative impacts of this development can be offset by bringing benefits to the existing residents of the village instead of being lost in the TDC coffers.

Woodland Trust

- 5.2 The Woodland Trust submitted comments on 4th September concerning national planning policy, local planning policy and a joint policy statement by DEFRA and Forestry Commission regarding the desire to minimise the loss, and ideally increase the amount of, ancient woodland in the Country. The initial comments concerned intensification of recreational activity; fragmentation as a result of separation from other habitats; colonisation of non-native plants; noise and light pollution; loss of trees overhanging private gardens; public safety concerns from trees adjoining public areas; garden waste being deposited over garden fences that adjoin the woodland; changes to hydrology; cumulative impact of these effects.
- 5.3 A follow-up letter has been received from the Trust confirming that the proposed application addresses the original concerns and meets the Standing Advice of Natural England, and planning case law, by providing a buffer strip of 15m around the woodland. The Trust confirm that they would still seek a buffer of 20m between the woodland and any built form.

Public

- 5.4 Four letters of objection have been received and the issues raised are summarised as follows:
- The proposed development will have a detrimental impact on existing trees, hedgerows and wildlife;
 - The proposed development will impact negatively upon the existing green corridor for wildlife that runs along the rear boundaries of Plains Farm Close and Willow Close unless the trees and hedging is managed rather than removed;
 - Asks whether the proposed LEAP will be large enough for both this development and the recently approved residential development on the former Betts factory;

- The existing sewage network will be able to cope with the new development;
- The proposed development will increase traffic movements along Ipswich Road;
- The proposed development will impact negatively on neighbouring amenities; and
- Concern over refuse collection arrangements and impact on local schools.

6. **Assessment**

Site Location

- 6.1 The site is on the north eastern edge of Colchester; around 2.5 miles from the town centre and lies adjacent to an area of land (former Betts Factory) granted outline planning permission for residential use by Colchester Borough Council and Tendring District Council in 2013.
- 6.2 The site comprises 7 hectares of grassland that previously contained a commercial orchard that is broadly rectangular in shape. The local topography is generally flat and to the south and east is Bullock Wood, which is a designated Site of Special Scientific Interest (SSSI) and ancient woodland. Both the site and the northern part of Bullock Wood lie within Tendring's boundary. Along Ipswich Road there is established residential development. On the opposite side of Ipswich Road is the edge of a significant area of commercial and industrial development characterised by storage buildings, car showrooms and repair facilities. Established residential development is also located on the same side of the road as the commercial development, to the north-west.

Proposal

- 6.3 This outline planning application seeks the approval for the principle of up to 120 dwellings with associated open space and infrastructure. Whilst all matters are reserved (apart from access) for later consideration, a Design and Access Statement and indicative drawings have been submitted which demonstrate, indicatively, how such a development could be achieved within the application site.
- 6.4 The indicative material suggests a scheme of two and two-and-a-half storey arranged around a formation road loop with public open space and a substantial reinforced landscape buffer all around the site. Some of the properties would look out over the proposed open space which would help to provide a soft edge to the surrounding countryside. Vehicular access would be through the recently approved development of the former Betts Factory and the road network provided by that development will be extended into the application site.
- 6.5 The application documents are:
- The applications forms
 - Site Location Plan
 - Design and Access Statement
 - Planning Statement
 - Location Plan
 - Parameter plan – land use, building heights and green infrastructure
 - Statement of Community Involvement
 - Landscape and Visual Appraisal
 - Arboricultural Impact Assessment
 - Tree and Hedgerow Survey

- Ecological Appraisal
- Bat Survey
- Reptile Survey
- Badger Survey
- Flood Risk Assessment
- Historic Assessment
- Noise Impact Assessment
- Air Quality Assessment
- Transport Assessment
- Travel Plan
- Utilities Report
- Waste Management Plan
- Geo-environmental desk study
- Ground investigation report
- Affordable Housing Statement
- Construction environmental management plan

6.6 The main planning considerations are as follows:

- Principle of development;
- Highways, transport and accessibility;
- Flood risk and drainage;
- Infrastructure Impact;
- Landscape, visual impact and trees;
- Ecology;
- Impact on Heritage Assets;
- Open space;
- Indicative design and layout / Impact upon neighbours;
- Council housing / affordable housing;
- Viability; and
- Other issues

6.7 Principle of residential development

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

6.8 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. The 2012 Local Plan: Proposed Submission Draft, as amended by the 2014 Local Plan: Pre-Submission Focussed Changes, is the Council's 'emerging' Local Plan.

6.9 On 25th March 2014, the Council decided that further substantial revisions to the emerging plan will be required before it is submitted to the Secretary of State to be examined by a Planning Inspector. These revisions will aim to ensure conformity with both the NPPF and the legal 'duty to cooperate' relating mainly to issues around housing supply. The separate Local Plan Committee is overseeing this work. An Issues and Options consultation for the next stage of the Local Plan began on 2nd September 2015 and will run for six weeks. The consultation does not specify specific sites but includes a new settlement of around 2,000

dwellings to be provided as a Colchester Fringe expansion, included in each of the four consultation options.

- 6.10 The site is not allocated for housing or mixed use development in the adopted Local Plan and is not specifically allocated in the emerging Local Plan, although the site may be included within the Colchester Fringe Options. The 2007 Local Plan defines the Colchester Fringe as a Town. The site lies outside the 'settlement development boundary' in both the adopted and emerging Local Plan but immediately adjoins the boundary in the emerging plan. Policy SD2 of the Draft Local Plan (Focussed Changes) identifies the site within the Colchester Fringe Broad Area for future development beyond 2014. The identification is stated to be 'based on the evidence contained within the Council's Economic Development Strategy and Strategic Housing Land Availability Assessment (SHLAA)'.
- 6.11 On 21st October 2014 the Local Plan Committee agreed to consider the Colchester Fringe for the allocation of around 3,000 dwellings based on the Local Plan evidence that development around the Colchester Fringe could be sustainable. The site falls within the broad area of search. As described above, the current consultation includes up to 2,000 dwellings in the Colchester Fringe area.
- 6.12 Because the site lies outside of the adopted settlement development boundary and is not directly allocated for development in either the adopted or emerging Local Plans, this proposal for residential development is contrary to local policy. However, both the adopted and emerging Local Plans fall significantly short in identifying sufficient land to meet the objectively assessed need for housing and, as a result, the Council is unable to identify a five-year supply of deliverable housing sites as required by paragraph 47 of the NPPF. In July 2015, the Council was only able to identify a 2.9 year supply. In line with paragraph 49 of the NPPF, where a five year supply cannot be identified, housing policies are considered to be 'out-of-date', which includes policies for settlement boundaries. Applications should be considered in accordance with the 'presumption in favour of sustainable development'. The Council would not be justified in refusing this planning application purely on the basis that it lies outside of the settlement development boundary.
- 6.13 'Sustainable Development', as defined in the NPPF, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.
- 6.14 One of the NPPF's core planning principles is to *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable"*. With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.15 While the site lies outside the urban boundary in the Tendering District Local Plan, this site would represent a logical extension to the urban settlement of Colchester. It lies immediately adjacent to an area of land (the former Betts Factory) which has recently been granted planning permission for new residential development. The site lies within close proximity of various community services all within walking distance of the site and close to existing public transport links.

- 6.16 The density of development proposed is approximately 17 dwellings per hectare. Policy PEO3 in the emerging Local Plan sets out the factors that should be taking into account when assessing the density of a scheme. These are:
- a) Accessibility to local services;
 - b) Minimum internal floor area and private amenity space standards (as set out in emerging Policy PEO4);
 - c) The required mix of housing;
 - d) The character of development in the immediate area; and
 - e) On-site infrastructure requirements (such as green infrastructure and highways).
- 6.17 As stated above, the site is in close proximity to a wide range of services and transport options to reach employment areas, local centres and Colchester town centre. The application is in outline but indicative plans demonstrate that floor areas and amenity space can meet the Council's policies, with a mix of housing types.
- 6.18 The general character of Ipswich Road and the immediate area is a mix of residential properties and business space. However, in the immediate vicinity the development would be viewed in relation to the residential properties on Ipswich Road, Plains Farm Close and Meadow Close. Dwellings in Ipswich Road have some common architectural styles and features such as double fronted facades with centralised entrances and pitched roof porches above. Chimneys are common and are used as features, and some dormer windows with pitched roofs are apparent. The dominant material is render.
- 6.19 Plains Farm Close includes Walnut Cottage and Plains Farm which are listed buildings, and some newer properties which reference the symmetry and materials used on houses on Ipswich Road. The area comprises predominantly two storey dwellings with steep pitched roofs and there are a number of large dwellings with rooms in the roof to the south, bordering Bullock Wood.
- 6.20 The density proposed for the application site is relatively low overall due to the wide landscaping buffers around the perimeter of the site and the retention of open space to the southeast corner. The density is acceptable for this location and, as shown through the indicative plans provided, can be achieved through an acceptable layout.
- 6.21 Bearing in mind the current lack of a five-year supply of housing sites to meet objectively-assessed needs in Tendring, the sustainability of the site and the density of development proposed, Officers consider that, in principle, residential development on this site is acceptable and would make a positive contribution toward housing supply and addressing the social dimension of sustainable development.

Highways, transport and accessibility

- 6.22 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.23 Policy QL2 in the adopted Local Plan and Policy SD8 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport

including walking, cycling and public transport. As set out above and within the Transport Statement, the site is within a 20 minute walk of two primary schools; secondary school; GP surgery; pharmacy; dentist; and local shops. There is also a modern community centre which hosts a nursery. The nearest bus stop is on Ipswich Road with routes to and from Colchester.

- 6.24 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.25 Ardleigh Parish and objectors have raised concern that the proposal will significantly increase traffic flows along Ipswich Road, Colchester. Evidence submitted by the applicant concludes that there will be an overall reduction in two-way peak traffic from the site. Essex County Council, in its capacity as the Local Highways Authority, has considered the submitted evidence and the proposal and concluded that the impact of the proposal is acceptable from a highways perspective subject to a number of conditions including the provision of travel packs.
- 6.26 Parking within the development is a matter reserved for later consideration as part of the layout. To demonstrate the suitability of the site to the Council and to local residents, the illustrative masterplan indicates that the site would be capable of providing parking provision that would meet and exceed the adopted Parking Standards.
- 6.27 In conclusion, the site is well located to the existing built up area of Colchester with good public transport links and is reasonably accessible, by foot and cycle, to local services and facilities. Highways matters have been considered and deemed acceptable by the Highway Authority. The transport impacts of the development are not considered to be severe and, from this perspective, Officers consider the proposal to be acceptable.

Flood risk and drainage

- 6.28 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (lowest risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding that might arise as a result of development.
- 6.29 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage as the Lead Local Flood Authority. Initially, ECC issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. The applicant responded to the objection with further information requested and the objection has now been addressed. ECC now supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.30 In conclusion, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PLA 1 of the adopted and emerging

Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.

Infrastructure Impact

- 6.31 Policy QL12 in the adopted Local Plan and Policy SD7 in the emerging Local Plan require that new development is supported by the necessary infrastructure. The Parish Council, Local residents and Colchester Borough Council has raised concern about the cumulative impact of additional homes on local infrastructure, in particular schools, health services, leisure facilities and sewage. These matters have been considered by the applicant and service providers, with no outstanding objections to the scheme. Detailed considerations follow below.
- 6.32 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC advises that although the application has been submitted to Tendring District Council this proposed development site is located on the edge of the built up area of Colchester town. The site falls within the priority admissions area for Ardleigh St Mary's Church of England (Voluntary Controlled) Primary School. This school is currently operating close to capacity and is forecast to continue to do so for the foreseeable future. However, the parents of children moving onto the proposed development are considered more likely to seek admission for their children to primary schools in Colchester. The nearest primary schools to this proposed development are located in the Colchester group 1 (Colchester north and rural north-east) forecast planning group. This forecast planning group is forecast to have a deficit of 45 permanent school places by the school year 2018-19. This development would place additional pressure on primary school places in this area. In the event that 36 additional primary school places are needed, the formula set out in Essex County Council's Developers' Guide would suggest a contribution of £438,192 (index linked to April 2015 costs) from a development of this size.
- 6.33 It is likely that, although the site lies in the priority admissions area for Manningtree High School the parents of children moving onto the proposed development are considered more likely to seek admission for their children to secondary schools in Colchester. Current forecasts indicate that there will be a deficit of secondary school places in the Colchester group 1 forecast planning group from the school year 2018-19 onwards. This development would place additional pressure on secondary school places in this area. In the event that 24 additional primary school places are needed, the formula set out in Essex County Council's Developers' Guide would suggest a contribution of £443,784 (index linked to April 2015 costs) from a development of this size.
- 6.34 NHS England has been consulted on the planning application and has made representations. NHS England advises that there is a capacity deficit in the catchment practice and a developer contribution of £15,460 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal and will be secured by a Section 106 agreement. The cumulative impact of development on health provision is however a matter of great importance that the Council will need to address district wide, in cooperation with the NHS, through the Local Plan.
- 6.35 Colchester Borough Council has been consulted on the planning application and has made representations. CBC advises that the residents of this development are likely to use Colchester sports facilities rather than those delivered by Tendring. It is therefore reasonable to expect a contribution to meet the demands that will be generated by the new residents for the improvement of existing Colchester recreational facilities. The Council's SPD requirement is calculated at £2,295 per unit (derived from contributions relating to indoor sports halls, swimming and sports changing/ancillary). On the basis of a 120 unit development this would equate to a contribution of £275,400. The SPD has not been adopted by TDC and it would be difficult to justify refusal on the basis on not providing this

contribution. However, the request is being considered and could be secured through S106, subject to viability, and administered by TDC. A viability assessment provided by the applicant confirms that should the contribution be required, there would need to be a corresponding decrease in affordable housing provision.

- 6.36 A number of residents have raised concern over sewage capacity, Anglian Water has advised that there is sufficient capacity in the foul sewerage network to deal with the levels of effluent expected from this scheme of 120 dwellings and has made no objections to the proposal. In addition, the indicative drawings provided by the applicant demonstrate a flood mitigation and water management strategy with the potential for attenuation ponds so the addition of 120 dwellings is expected to improve flood and water management and the Council would not be justified in refusing planning permission for this reason.
- 6.37 With regards to other forms of infrastructure, such as services and utilities, a 'Utility Services Appraisal' has been prepared in support of the planning application and concludes that utility services for all major supplies are located close to the site and are available to serve the development. The Utility Services Report is summarised below:
- The existing potable water network has sufficient spare capacity to serve the proposed residential development without the need for off-site mains reinforcement;
 - There is sufficient spare capacity within the existing electricity network to serve the site without the need for off-site reinforcement.;
 - The existing LP gas network has sufficient spare capacity to serve the proposed residential development without the need for off-site mains reinforcement.;
 - Openreach BT will provide the ducts and footpath chamber components free of charge for the Developer to install at his own cost. The local Exchange and communications network have been upgraded and are able to provide superfast broadband to the residential units in the development;
 - Anglian Water (AW) have indicated that their Point of Connection (PoC) will be taken from their network in Ipswich Road at the point where their 600/450mm strategic water main enters Ipswich Road after passing through the site of the proposed development and then crossing private property to gain access to Ipswich Road;
 - British Gas (BG) have indicated that their PoC will be off their existing Low Pressure (LP) network in Ipswich Road. The new supply to serve the proposed development will need to pass through the current Betts Factory redevelopment which is under construction and this requirement is covered by a legal obligation in the contract between Lands Improvement Holdings and Bellway, the developer of the site; and
 - A system of 11kV overhead power lines crosses the site originating at the Chemco Substation and serving the farm to the north of the proposed development site. These cables are to be diverted – laid underground – where they cross the site and will also be used to provide power to the new substation.
- 6.38 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of education) or are otherwise demonstrated to be managed by the applicant and are not considered to be significant or demonstrably harmful enough to justify refusal of planning permission when applying the presumption in favour of sustainable development.

Landscape, visual impact and trees

- 6.39 Policy QL9 in the adopted Local Plan and Policy SD9 in the emerging Local Plan require developments to respect and enhance views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Policy EN1 of the adopted Local Plan and Policy PLA5 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SD9 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.40 In support of the application a 'Landscape and Visual Impact Assessment' has been prepared and assesses that:
- The Application Site is visible in views from a number of residential properties on Plains Farm Close and Willow Close immediately adjacent to the Site;
 - There are partial, glimpsed views available from a small number of properties on the A1232, Ipswich Road and on occasion from the road corridor;
 - There are also partial, long distance views to the eastern portion of the Site from a public footpath to the east; The Woodland of Bullock Wood provides significant visual enclosure in views from the south east and east;
 - The report identifies the removal of many of the redundant orchard trees (which have already been removed) and the trees planted on the land as windbreaks.
- 6.41 In conclusion the Landscape and Visual Assessment confirms that the site is well contained in views from the wider landscape, being limited to the immediate boundaries and longer views to the east into farmland.
- 6.42 The application is also supported by a tree survey that identifies the condition and value of each tree and groups of trees within the standard categorisation in accordance with British Standards 5837 (2012) 'Trees in relation to design, demolition and construction' to provide baseline data prior to the Arboricultural Impact Assessment.
- 6.43 The tree survey states that in general, trees and vegetation are typically characteristic of an agricultural landscape and are located to the boundaries. Within the site, three groups of Italian Alder, associated with the commercial orchard, form linear windbreaks dividing the site.
- 6.44 The most prominent visual arboricultural feature is Bullock Wood, characterised mainly by Oak and Sweet Chestnut trees. The woodland is subject to Tree Preservation Order 12/00001/TPO. The TPO is a 'woodland' classification and administered by Tendring District Council.
- 6.45 The concept site layout submitted with the application respects the existing tree stock and field boundaries through retention of the principle landscape features and links across the site. In particular, the footprint of the development considers the principles of tree protection, accords with standing advice by Natural England to provide a 15m buffer from the woodland and seeks to promote the sustainable integration of trees into the layout design.
- 6.46 Natural England have been involved in the pre-application process of the development to ensure the continued health of the woodland and other features and have agreed the proposed development can be delivered without adverse impacts on the woodland, and potential benefits for discouraging and managing access. The comments and

recommendations of the Woodland Trust are considered to be met by the proposed layout, with no properties backing on the woodland and protective fencing and a wide area of woodland edge planting to discourage access. The main ecological interest in the woodland is through its conservation, which is achieved by the proposal. Given the support of Natural England and the Council's Arboricultural Officer, the need for a 20m buffer is not considered to be justified and the 15m is considered to accord with national advice.

- 6.47 In addition to the report itself, the recommendations are integrated with the proposed Outline Construction Environmental Management Plan which sets out the methods of managing construction including tree protection and works in relation to the woodland, among other matters.
- 6.48 Natural England has been consulted on this application and has no objection to the development. The Council's Principal Trees and Landscapes Officer has considered the proposal and is satisfied that the development can be implemented without harm being caused to retained trees or to the adjacent protected woodland. The removal of many of the redundant orchard trees does not have sufficient amenity value to merit retention or protection by means of a Tree Preservation Order.
- 6.49 The applicant is currently in negotiation with the Council for the possible transfer of its part of Bullock Wood to public ownership. The Essex Wildlife Trust has advised on the preparation of a woodland management plan and the transfer is considered to be a benefit to the public interest in securing the long term management of the woodland.
- 6.50 In conclusion, the landscape and visual impact of the development and the impact on trees is expected to be low and enhancements through additional soft landscaping can be secured through planning conditions. Officers are satisfied that, subject to the landscaping being agreed and implemented, the visual and landscape impacts will be acceptable and the scheme can perform well against the environmental dimension of sustainable development.

Ecology

- 6.51 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PLA4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for. Policy EN6b in the adopted Local Plan and PLA4 in the emerging Local Plan support the creation of new habitats within developments subject to appropriate management and public access arrangements. Policy EN6a in the adopted Local Plan refers specifically to protected species including badgers.
- 6.52 The issue of potential impact of the proposed development on wildlife and their habitats has been raised by a local resident.
- 6.53 An ecology appraisal has been undertaken in support of this application to assess the nature conservation importance of habitats, assess the presence of protected and principally important species and identify any constraints to development. An extended phase 1 habitat survey was undertaken to inform the Appraisal, followed by specific species surveys for bats, reptiles and badgers.
- 6.54 The Ecology Appraisal concludes that the site mainly comprises species-poor semi-improved grassland fields with boundaries generally comprising trees lines, scrub and hedgerows. Bullock Wood, a SSSI and ancient semi-natural broadleaved woodland, extends south away

from the site. The majority of the site was formally an intensively managed commercial orchard.

- 6.55 A review of the status of the orchard was undertaken in October 2012 in consultation with Johnathan Bustard of Natural England. It was agreed that the site did not meet the criteria for Traditional Orchards and qualified as a commercial orchard.
- 6.56 The ecology assessment found the site to have no habitats of ecological importance. Habitats of nature conservation value include the scrub, hedgerows, scattered trees, and ditches around the site margins. In combination these habitats are considered to be of local importance as they form connective habitat around the site and the wider area and appreciably enrich the nature conservation interest of the site.
- 6.57 The parameter plan submitted in support of the application have accounted for the improvement of the boundary hedgerows and ditches by securing a significant boundary margin of 10m around the site. The concept masterplan provides a corridor of connecting hedge/trees replicating the lines of Italian Alder that provide a link between the woodland and the site margins. The specifics of the connection are not detailed in this application and will be subject to reserved matters.
- 6.58 External to the site, Bullock Wood provides an important habitat of ancient broadleaved woodland and a SSSI. Its ecological value is an important conservation consideration. The development endeavours to discourage access into the woodland by providing alternative public spaces for recreation and dog walking, including areas of semi-natural habitats such as those associated with the woodland buffer between the site and the proposed development envelope. The parameters of the development, including the buffer separations, have been agreed with Natural England.
- 6.59 Subject to implementation of the recommendations, no reduction in the ecological interest of the site is likely to arise. With the inclusion of some of the recommended features provided within the Appraisal, the development could enhance the site for a range of species. With the inclusion of protection measures for the neighbouring Bullock Wood, there are no overriding nature constraints that preclude development and the proposal is ecologically sustainable.

Site Specific Species Surveys

- 6.60 Following the findings of the Ecological Appraisal, additional surveys have been undertaken to establish the presence or otherwise of Bats, Badgers and Reptiles.
- 6.61 The extended bat survey found that the site is considered as a whole to be of no more than low local importance for foraging and commuting bats. Accordingly, development will not have an impact on bats but the site can be enhanced for bat populations through a number of measures including:
- Retention and creation of linear features;
 - Use native planting inside the site which may include woodland and shrub planting, creation of rough and meadow grassland areas and marginal vegetation. Where appropriate, planting can include pollen and nectar rich species to encourage invertebrate prey; and
 - Lighting strategy to minimise light spill onto the margins and identified areas of foraging and commuting habitat.
- 6.62 The parameters of the application provide opportunities for the above recommendations to be implemented through landscaping, lighting, and ecology requirements. The proposed masterplan incorporates the recommendations where they relate to layout, including linear features to support foraging and commuting bats.

- 6.63 The Badger Survey found no badger setts on the site in spite of a reasonable expectation for their presence, due to the habitat type. Only one badger path was observed across the site. In view of the small size of the site and the abundance of suitable habitat in the surrounding area it is highly unlikely that the site is of importance to the local Badger population. No impacts on Badgers are therefore expected to occur and no requirements for mitigation or licensing with regard to Badger setts have been identified.
- 6.64 The reptile survey concluded that although the site is not considered to qualify either wholly or in part for any designation on the basis of its reptile interest, the site as a whole is considered to be of local value for reptiles.
- 6.65 Three species of reptile were recorded during the survey: Slow-worm, Grass Snake and Common Lizard. The majority of the records relate to the north-eastern boundary of the site where it abuts a grassland lawn area and the north-western boundary of the site adjacent to the gardens of residential properties on Plains Farm Close. The site is considered to support a low-end 'good' population of Slow-worm and a 'low' population of Grass Snake and Common Lizard. The north-eastern and western site margins currently contain the highest number of reptiles.
- 6.66 The Survey recommends that a Reptile Method Statement is prepared at the detailed design stage, specifying the measures to protect and maintain the reptile population during development.
- 6.67 The appraisal and the Surveys identify that there is low impact on local site ecology and that, in combination with the measures proposed to avoid and mitigate adverse impacts, the site could be enhanced in terms of habitat for certain species. The proposal as described is therefore compatible with the environmental sustainability aims of the NPPF and paragraph 118. It is also compatible with policies QL9; QL11; EN1 and EN6 of the Local Plan and PEO22 of the emerging Plan.
- 6.68 Officers consider that the ecological value of the site is as described in the Phase 1 Ecological Report and that the recommended mitigation measures are secured through condition. In conclusion, the impact on biodiversity is expected to be low and through the recommended mitigation measures, the ecological value of the site could be enhanced. Officers consider that these measures are acceptable, would ensure compliance with the policies in the Local Plan and the environmental dimension of sustainable development.

Impact on Heritage Assets

- 6.69 Policy PLA6 of the draft Local Plan states that the Council will work with its partners to understand, protect and enhance the district's historic environment by, amongst other things, requiring archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.70 In support of the application a 'Historic Environment Assessment' has been prepared and concludes that:
- the archaeological advisor to the local planning authority is likely to recommend that trial trenching be undertaken prior to the determination of any planning application to further assess the archaeological potential of the site;

- The proposals would affect the settings of two listed buildings but this would amount to less than substantial harm. Mitigation will be brought forward during the design process to ensure special regard is paid to the desirability of preserving the settings of the listed buildings; and
 - In the case of the historic landscape too, although there will be change, the limited value of the asset means that any harm will be less than substantial.
- 6.71 The Historic Environment Team at Essex County Council has been consulted and has no recommendation for archaeological work in relation to this application. The applicant has already secured an archaeological trial trench evaluation and metal working survey of the site, the results of which indicate that no further mitigation is required.
- 6.72 In relation to the potential impact on Plains Farm and Walnut Cottage which are statutorily listed as grade 2 buildings the 'Historic Assessment' submitted with this application recognises that the proposed development will have a negative effect on the setting and significance of these two listed buildings, however, this is reduced by the presence of existing development around these properties and is likely to represent less than substantial harm and will be considered further at the reserved matters stage.

Open Space

- 6.73 Policy COM6 in the adopted Local Plan and Policy PE022 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The parameter drawings in support of the planning application show a greater than 10% provision from the wide boundary buffers and an area of open space with properties orientated to look out over that space to the south east. The indicative masterplan provides an open space within the centre of the site to accommodate a water main, although the layout is a reserved matter and could be altered. The provision of the landscaped area to the south east of the site would comply with the Council's policy and would offer the opportunity to achieve an attractive transition between the development and the countryside beyond whilst incorporating landscaping features and sustainable drainage facilities.
- 6.74 The Council's Open Space and Bereavement Service Manager has commented on the application and is satisfied that the proposed development will deliver open space and play facilities. Also, if the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Committee is minded to approve this application, Officers will engage in negotiations with the applicant to agree the necessary contribution in line with the guidance contained within the Council's Supplementary Planning Document on Open Space.

Indicative Design and Layout / Impact Upon Neighbours

- 6.75 As an outline planning application, detailed design and layout is a reserved matter for future consideration but the Council needs to be satisfied that an appropriate scheme of up to 120 dwellings with associated open space and infrastructure can be accommodated on the site in an appropriate manner. The indicative material submitted in support of the application, including the indicative layout and Design and Access Statement demonstrate that there is a reasonable prospect of an acceptable scheme being achievable on the site. *The key features of the indicative masterplan are set out below:*
- Entrance to site accessed through developed Former Betts Factory site off Ipswich Road;
 - Access road adjacent to Bullock Wood SSSI set out in line with guidance from Natural England and alignment agreed with Essex County Highways;

- Building heights up to 2.5 storeys;
 - Development frontage over communal open space with apartment blocks framing extent of space;
 - Central tree lined route extending from entrance into heart of site; potential for inclusion of existing tree line;
 - Built form and roads set back from edge of SSSI to provide 15m buffer zone (to be planted with native shrubs and species rich meadow grassland);
 - Green corridor with potential for new tree planting to replace existing tree line Central green space in heart of development at junction of green corridor and tree line;
 - Proposed Extension to Bullock Wood providing communal woodland to eastern corner acting as green infrastructure area with new planting;
 - Attenuation ponds with ecological features;
 - Proposed area for children's play space (LAP) and potential small kick about area;
 - Built form and roads set back from edge of site to provide 10m planting zone;
 - Cul-de-sacs and private drives to edges of site to minimise infrastructure impact on surrounding area.
- 6.76 The suggested layout of the properties comply with general urban design and secured-by-design principles and show how the dwellings could relate well to neighbouring dwellings, the proposed open space and the potential development of adjoining land. The site with appropriate landscaping will be well contained within the landscape and can be developed in a manner that would not detract from the character of the wider area.
- 6.77 A number of residents have raised concern that new residential development will result in a loss of their amenities in terms of loss of light, overlooking and noise. Whilst these concerns are noted, Officers consider that an appropriate scheme including two and a half storey homes could be achieved within the parameters of the application without impacting on residential amenity. As reserved matters, such details are for later consideration and negotiation and the Council would not be justified in refusing outline planning permission on such grounds.

Council Housing/Affordable Housing

- 6.78 Policy HG4 of the adopted Local Plan expects the Council to provide 40% of new dwellings to be in the form of affordable homes. Following the preparation of evidence for the emerging Local Plan, Policy PEO10 recommends 25% of new dwellings on large sites to be made available to the Council to acquire at a discounted value for use as Council Housing. It is considered that the emerging evidence is a material consideration and the emerging policy PEO10 is an accurate reflection of the evidence. The emerging policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement. The application makes provision, in principle, for 25% affordable housing within the scheme which would be secured through a s106 agreement in line with the emerging policy and subject to viability. On a development of 120 dwellings, the 25% requirement would equate to 30 dwellings being acquired by the Council.

- 6.79 If the Committee is minded to approve this application, Officers will negotiate and agree an appropriate level of affordable housing to be secured through a s106 legal agreement.

Viability

- 6.80 The applicant is concerned that the S106 contributions requested for health, education and public open space in conjunction with the S106 contributions request from Colchester Borough Council towards new leisure facilities could render the proposed development unviable and have prepared a viability appraisal (to be independently verified by the District Valuers Office) which will identify the level of S106 contributions that can realistically be delivered by the development. Once the outcome of the viability appraisal has been assessed, Officers will negotiate and agree an appropriate level of contributions to be secured through a s106 legal agreement.

Other Issues

Loss of Agricultural Land

- 6.81 Paragraph 112 of the NPPF expects Council's to take account of the economic and other benefits of agricultural land. The site comprises a mix of Grade 2-3 agricultural land (moderate to very good). Natural England are the statutory body in relation to non-agricultural development proposals on the best and most versatile agricultural land. The Development Management Regulations require consultation with Natural England for sites over 20ha in extent. At less than 7ha, the site is considerably below the threshold for consultation, although Natural England have provided advice on the application in relation to the SSSI and local ecology. Due to the previous uneconomic use of the site for production, the size of the site and the extent of higher Grade agricultural land around Colchester, particularly to the east, it is considered that the development of this site would not compromise the economic benefits or productivity of agriculture in the area.

7. Conclusion

- 7.1 The application has been assessed in relation to the policies of the NPPF and relevant adopted Local Plan and emerging Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2014. The application has been assessed in relation to the following issues and potential impacts:

- Principle of development;
- Highways, transport and accessibility;
- Flood risk and drainage;
- Infrastructure Impact;
- Landscape, visual impact and trees;
- Ecology;
- Impact on Heritage Assets;
- Open space;
- Indicative design and layout / Impact upon neighbours;
- Council housing / affordable housing;
- Viability; and
- Other issues

- 7.2 In conclusion, in applying the NPPF 'presumption in favour of sustainable development' the proposal addresses the three dimensions of sustainable development. The economic impact of the development would be positive both in terms of temporary construction jobs and the increased demand for goods and services that arises from population growth; the social impacts would be positive in terms of the contribution toward meeting projected housing need, providing public open space and funding additional school places; and the environmental impacts would be limited with the potential for them to be positive subject to

securing successful approaches to landscaping, drainage, habitat creation and the transfer of part of Bullock Wood to public ownership.

- 7.3 The applicant has engaged constructively with Officers, statutory providers and local groups through the pre-application and application process. The proposal has received few objections from interested parties and is supported by Ardleigh Parish Council. The application is supported by a comprehensive set of studies and reports that demonstrate the sustainability of the development and there are no objections from statutory consultees or service providers, subject to conditions.
- 7.4 The adverse impacts of the development would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and therefore in line with paragraph 14 of the NPPF Officers recommend the approval of outline planning permission subject to the completion of a s106 legal agreement to secure a financial contribution towards education, health, long term open space maintenance, sports and leisure in Colchester, an appropriate level of on-site Council/Affordable Housing; and transfer of part of Bullock Wood to public ownership. . There are also a number of conditions that would apply to the grant of planning permission, as outlined at the head of this report.

Background Papers

None