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Item No: 7.1

Application: 260883

Applicant: Mr M Simpson

Agent: Mr Chris Wragg

Proposal: Full planning application for erection of 5 new residential bungalows, landscaping and associated outbuildings and parking

Location: land to west of, Carshalton End, Colchester

Ward: Prettygate

Officer: Chris Harden

Recommendation: Authority to Approve subject to finalisation of a Unilateral Undertaking that secures the required contributions.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Lissimore who gives the reason for the Call as "Overdevelopment."

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the development and issues relating to highway safety, neighbouring residential amenity, wildlife, trees and vegetation, contamination and archaeology.
- 2.2 The application is subsequently recommended for Authority to Approve subject to finalisation of a Unilateral Undertaking covering the required contributions and Biodiversity net gain. In terms of the planning balance and conclusion, the proposal lies within the defined settlement limits so accords with Local Plan Policy in terms of the principle of supporting residential development in sustainable locations. There is also additional tilted weight for a positive recommendation given that the Council cannot demonstrate a 5 year housing land supply.
- 2.3 With regard to the planning merits of the case, the scheme is considered acceptable in highway safety terms and the Highway Authority raised no objections to the use of Carshalton End for access into the site. There is also adequate parking and manoeuvring provision within the site. The scheme is acceptable in terms of impact upon neighbouring residential amenity, wildlife, trees and vegetation subject to appropriately detailed conditions. There will also be conditions that cover archaeological and contaminated land issues.
- 2.4 The planning balance therefore weighs in favour of supporting the scheme and the application is therefore recommended positively.

3.0 Site Description and Context

- 3.1 The site lies within the settlement limits and is a sizeable, generally grassed area surrounded by dwellings and a wooded area to the North East (the subject of a tree preservation order). Carshalton End, a current cul de sac road, abuts the site to the East. The dwellings surrounding the site are predominantly two storey.

4.0 Description of the Proposal

- 4.1 The Full planning application is for the erection of 5 new residential bungalows (all 3-bed), landscaping and associated outbuildings and parking. The dwellings would utilise a mixture of red brick, render, weatherboarding, plain tile and slate. Each unit would be provided with stand alone garaging and parking spaces. Access would be via Carshalton End which currently runs in front of existing dwellings.
- 4.2 The proposed plot 5 on the Southern boundary has been amended by moving the dwelling and driveway slightly further from the neighbouring boundaries and slightly reducing the height.

- 4.3 The agent has confirmed that the applicant has negotiated a right of way over the road (Carshalton End), up to and including the boundary of the site.

5.0 Land Use Allocation

- 5.1 Disused residential garden/paddock/grassland.

6.0 Relevant Planning History

- 6.1 None of recent relevance.

7.0 Principal Policies

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

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

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

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG1 Colchester's Spatial Strategy

SG2 Housing Delivery

SG7 Infrastructure Delivery and Impact Mitigation

SG8 Neighbourhood Plan

ENV1 Environment

ENV3 Green Infrastructure

ENV5 Pollution and Contaminated Land

CC1 Climate Change

PP1 Generic Infrastructure and Mitigation Requirements

DM1 Health and Wellbeing

DM2 Community Facilities

DM3 Education Provision

DM4 Sports Provision

DM5 Tourism, leisure, Culture and Heritage

DM8 Affordable Housing

DM9 Development Density

- DM10 Housing Diversity
- DM12 Housing Standards
- DM13 Domestic Development
- DM15 Design and Amenity
- DM16 Historic Environment
- DM17 Retention of Open Space
- DM18 Provision of Open Space and Recreation Facilities
- DM19 Private Amenity Space
- DM20 Promoting Sustainable Transport and Changing Travel Behaviour
- DM21 Sustainable Access to development
- DM22 Parking
- DM23 Flood Risk and Water Management
- DM24 Sustainable Urban Drainage Systems
- DM25 Renewable Energy, Water Waste and Recycling

7.4 Some “allocated sites” also have specific policies applicable to them. This is not an allocated site.

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

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Backland and Infill
- Affordable Housing
- Community Facilities
- Open Space, Sport and Recreation
- Sustainable Construction
- Cycling Delivery Strategy
- Sustainable Drainage Systems Design Guide
- Street Services Delivery Strategy
- Planning for Broadband 2016
- Managing Archaeology in Development.
- Developing a Landscape for the Future
- ECC’s Development & Public Rights of Way

8.0 Consultations

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

Members should note that several consultation responses make reference to the National Planning Policy Framework (NPPF) 2024, which was the version of the Framework in force at the time those responses were submitted. Since then, a revised NPPF was published in August 2026. Whilst the consultation responses have been reproduced as received, the Local Planning Authority is required to determine the application having regard to the planning policy framework in force at the date of determination. Accordingly, the officer assessment and recommendation set out within this report have been undertaken with reference to the August 2026 NPPF.

8.2 Highway Authority

Confirmation that the proposed development is acceptable to the highway Authority from a highway and transportation perspective, provided it is carried out in accordance with drawing No.26/11/03 and subject to conditions to secure:

- Residential Travel Information Pack
- Construction Management Plan

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and the NPPF 2024.

Informatives are also recommended to confirm:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- Requirements for works within, or affecting, the highway.
- Highway offences
- There shall be no discharge of surface water onto the Highway.
- Storage of materials
- Surface treatment

8.3 Environmental Protection

Confirm no objection subject to conditions regarding hours of demolition and construction; site boundary noise levels, details to be provided of the management company should any communal storage areas be proposed; provision of EV charging points; and reporting of any unexpected contamination. Informatives are also recommended regarding demolition/construction works, and ground gas risks.

8.4 Tree officer

The submission is BS5837:2012 compliant: an adequate survey, categorisation, constraints assessment, impact assessment, Tree Protection Plan and Arboricultural Method Statement have been provided. No trees are to be removed, no tree of significant amenity, landscape or wildlife value is adversely affected, and the only development impacts are two minor, peripheral and mitigable incursions into the RPAs of T2 (Category B) and T3 (Category C), to be undertaken under supervised excavation.

The proposal is consistent with the National Planning Policy Framework (December 2024), including paragraph 136 (retention of existing trees and incorporation of trees within new development), with the opportunity for modest new planting capable of being secured by condition. It accords with Local Plan Policy DM15 (Design and Amenity), which requires development to meet high design standards and to preserve and not harm local character and with

Policies ENV1 (Environment) and ENV3 (Green Infrastructure), the contributing tree cover being retained and protected.

8.5 Contaminated Land officer states

The phase 1 report is recommending gas monitoring take place due to the shrub end landfill being in close proximity, and that asbestos containing material may be present in the building on site.

Therefore, if you were minded granting permission for this development, we would recommend that a phase II investigation be carried out with the following conditions based upon the findings from the report: site characterisation, submission of remediation scheme, implementation of approved remediation scheme, remediation validation certification, and process for reporting of any unexpected contamination.

8.6 Archaeologist states:

“Following my initial comments, I have been liaising with the applicant’s agent and archaeological contractor, who have undertaken a programme of archaeological evaluation. This has demonstrated that the archaeological remains of the Heath Farm Dyke, one of ten dykes that defined the Iron Age oppidum of Camulodunum, survive across the northern part of the site. As such, there is the potential for groundworks associated with the development to impact upon any archaeological features or deposits which may survive on the site.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 218), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case, a further phase of trial-trenched archaeological evaluation will be required to establish the archaeological potential of the southern part of the site. Decisions on the need for any further investigation will be made on the basis of the results of the evaluation, but there will be a need for a programme of archaeological over the line of the dyke, at least, comprising either a piled or raft foundation with minimal ground impact and/or the archaeological excavation of the affected parts of the site. I will, on request of the applicant, provide a brief for each stage of the archaeological investigation.

8.7 Essex Place Services (Ecology)

No objections subject to conditions

- Ecological mitigation measures
- Biodiversity enhancement strategy
- Wildlife sensitive lighting design scheme
- Habitat management and monitoring plan (HMMP)

8.8 Colchester Cycling Campaign “Makes a general observation

Comment: The developer/architect is to be commended for considering cycle parking -- and this is a good solution. Please ensure that the path to the side doors of the garages is at least 1,100mm wide, and that the door itself is wide and easy to use. Colchester Travel Plan Club may have further ideas to ensure the space is usable.”

9.0 Parish Council Response

9.1 Non-Parished.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

20 letters of objection have been received which raise the following concerns:

- Does not comply with NPPF, including section 9.
- Neighbours with frontages onto Carshalton Way not consulted by applicant.
- Need an alternative safe route. Unsafe access route.
- application fails to demonstrate:
 - safe vehicle manoeuvring or turning within the site;
 - safe access for emergency and refuse vehicles;
 - avoidance of reversing movements onto the private road;
- - protection for pedestrians in a constrained environment.
- Fundamental incompatibility with cul de sac design.
- Safety Risks for Children and Vulnerable Users
- Carshalton Way not design to be access Road.
- Not demonstrated legal right to use access.
- Obstruction of Resident and Emergency Access.
- Noise, Disturbance, and Loss of Residential Amenity.
- Lack of site specific mitigation for Stoneleigh Park
- Disproportionate Impact on Third Party Residents
- No proper assessment of these impacts
- Concerned about heavy construction traffic.
- Must not damage utility pipes.
- Noise, dust, disruption.
- Other access routes assessed? 274 Straight Road access?
- Council needs to take its Equality Act 2010 duties seriously here.
- Rescue dog impact
- Structural Damage to Our Home — a Serious and Unaddressed Risk
- 17 new parking spaces represents a 200% increase in the vehicles using this road.
- A pre-construction structural survey of our property must be carried out, with a legally binding commitment to make good any damage.
- Design Does Not Fit In
- Refuse application.

- Proposal Is Not Deliverable
- Incorrect Information regarding Access.
- Boundary Amendments Impacting Access
- Safety Risks During Construction
- Appearance and Materiality.
- Failure to “Complete” the Existing Character
- Inaccuracies in application.
- Our property on straight rd will have reduced light as a result of the garages that are being proposed.
- Suggest change double yellow lines to red.
- Overdevelopment,
- Concerned by trees and hedges close to boundary – grow tall in years to come.
- Overshadowing our property.
- Loss of privacy.
- With the house and drive of plot 5 extending to within 2 metres of our western boundary there will be a degree of noise and disturbance.
- Conflict of interest.

3 letters of general comment has been received making the following points:

- Fence between neighbours must be maintained at all times.
- Developer will need to address any waterlogging problems
- No estimation of how long construction will take.
- Must not damage utility pipes

7 Letters of support have been received which make the following comments:

- Consideration has been given to neighbour’s privacy.
- Notification previously give of potential development on the site (could be 6 dwellings).
- Land no longer belongs to 274 straight road.
- Carshalton way was originally in 1989 to be extended into the field, but the then owners, decided to not sell that parcel of land.
- Left ransom strip in the 80s.
- submitting an initial proposal, this was for larger two story properties and the highways agency approved this as an access with asking for larger turning circles, but felt Carshalton was an appropriate entry point.
- There have been several development extensions around Stoneleigh Park with enlargement of houses, building of bungalow at 1 Stoneleigh Park, all where construction traffic has been past houses, but developers have been mindful and worked with the community to make sure no working was at weekends, nor before and past particular times in the day, when traffic was high.
- Stoneleigh Park development was built under the impression that Carshalton End would go into the field that is being proposed to be developed, however my Grandfather did not sell the parcel of land
- at the time, as my Grandmother wish to have a few ponies at home.

- locations of proposed developments do not impact upon gardens and appreciate how things have been put in place to support wildlife.
- Would be interested in property and construction traffic will not affect me.

11.0 Parking Provision

11.1 17 spaces

12.0 Accessibility

12.1 The Equality Act 2010 (which includes consideration of protected characteristics) legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of discrimination or in respect of the Council's equality duties more widely. Neighbouring comments received have been considered in this respect and the application of appropriate conditions has some relevance in this respect.

13.0 Open Space Provisions

13.1 Not applicable

14.0 Air Quality

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

15.0 Planning Obligations

15.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team. In accordance with Local Plan policies PP1, ENV1, DM2, and DM4 obligations and financial contributions are required in order to mitigate the impact of the development in terms of community facilities, open space and recreation, and wildlife. A Unilateral Undertaking is required for community facilities, parks and recreation facilities, as well as Biodiversity Net Gain provisions. The RAMs wildlife mitigation payment can also be included in this UU if the applicant wishes (as an alternative to making payment prior to determination).

16.0 Report

Principle

- 16.1 As the site lies within the settlement limits as defined in the adopted Local Plan, there is no objection in principle to residential development in this location. The adopted Local Plan settlement policies SP1, SP3, SG1 and SG2 aim to direct such development to the most sustainable locations such as this site. The NPPF has similar provisions, with a presumption in favour of sustainable development.
- 16.2 In addition the National Planning Policy Framework (NPPF 2026) requires local planning policy to identify and maintain a five-year housing land supply, as well as sites, or broad locations for growth, for the subsequent 6-10 years. The Council is currently unable to demonstrate a five-year housing land supply and this is a material consideration that attracts additional weight in favour of the delivery of housing. Whilst the August 2026 NPPF no longer relies upon the former paragraph 11 "tilted balance" approach, the provision of additional

housing in a sustainable location continues to attract significant weight in the planning balance.

- 16.3 Therefore the proposal is considered to be acceptable in principle and should be judged on its planning merits with key issues being layout, design and scale, highway safety, neighbouring residential amenity, along with impact upon trees and vegetation, archaeology and wildlife.

Layout, Design, Scale and amenity space:

- 16.5 With regard to the layout, design and scale of the proposal Local Plan Policies SP7 and DM15 provide that development must respect and enhance the character of the site, its context and surroundings in terms of architectural approach, height, size, scale, form and massing.
- 16.6 The Council's Backland and Infill SPD is also of relevance which provides that such development can cause adverse impacts from visual intrusion and loss of space between buildings. The guidance also aims to ensure that infill development respects and reflects the character of the area and the existing street scene. Whilst this would clearly be backland development, it is set within a housing estate and overall, the residential development would not be at odds with the prevailing character of the area. The site is also not deemed to be an important public open space (Policy DM17).
- 16.7 In this case it is not considered that the proposal represents an overdevelopment of the site or results in a cramped layout. There is adequate space between the bungalows and the garages in some cases are set back, resulting in visual gaps between the properties. Adequate garden space has been provided for each plot in accordance with Local Plan Policy DM19. There is also adequate parking space provision for each dwelling in accordance with Policy DM22 and the adopted County Council parking standards and adequate vehicular manoeuvring areas. The layout is therefore considered acceptable.
- 16.8 The design, scale and form of the bungalows is also considered to be visually acceptable. Gable widths are modest and the form of the bungalows is broken down with appropriately scaled wings. The materials proposed are also sympathetic to the character of the area. The site is quite self contained so there will be no detriment to the character of the surroundings or street scene. Landscaping proposed helps to minimise any visual intrusion from the hard surfaced access areas.
- 16.9 Thus, overall the layout, design, scale and form of the development is considered acceptable and accords with the abovementioned policies. There are no Listed Buildings in the vicinity so the setting of heritage assets is not affected.

Highways and Parking Issues:

- 16.10 In terms of highways issues, the existing Cul de Sac of Carshalton End will be opened at the end to allow access into the site. This will clearly result in an increase in intensity of this road. The Highway Authority have raised no objections to the use of this road for access into the site. It is considered to be

of an appropriate width to accommodate the increase in use. Visibility splays onto Stoneleigh Park are good in both directions. Overall it is not considered this increased use would result in a severe impact on the highway network so a refusal in this respect is not justified having regard to the provisions of the NPPF (2026). In conclusion there are therefore no objections on high safety grounds.

- 16.11 The construction management plan condition suggested by the Highway Authority is an important one and will be applied. This will need to be adhered to during the construction period and will control items such as vehicle routing, parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, wheel and underbody washing facilities. This aims to minimise disruption and impact upon residents (including from noise and dust) as well as avoiding any highway safety issues. The concerns raised by residents have been carefully considered in this respect.
- 16.12 With regard to the developer's right to use the access, the agent has confirmed that the applicant has negotiated a right of way over the road, up to and including the boundary of the site. The Council has no reason to disbelieve this but it should be noted that the granting of planning permission does not overrule private property rights including covenants. This would be a civil matter but does not prevent or delay the determination of this planning application.
- 16.13 There is sufficient space to provide adequate parking provision for a minimum of 2 spaces per dwelling, plus manoeuvring as required by the parking standards. (Policy DM22, County Council Parking standards). These areas have been shown on the layout plan. A condition can be applied securing the provision of these spaces, including one electric vehicle charging point per dwelling.

Impact upon Neighbouring Residential Amenity:

- 16.14 It is not considered that the proposal could be refused on the grounds of noise and disturbance to residents from the increased use of the access road. This issue has been raised by a number of residents. Whilst inevitably there will be some disturbance during the construction, this can be minimised as much as is feasible by an hours of work and deliveries condition, in conjunction with the abovementioned construction management condition which can include dust suppression measures.
- 16.15 In terms of the long term increase of use of the access road, this already runs in front of the dwellings and is not considered to result in a level of increased disturbance that would warrant a refusal on residential amenity grounds. It is already in use and the increased intensity of use for five dwellings is not unreasonable. Environmental Protection have raised no objections on the grounds of impact upon residential amenity subject to conditions.
- 16.16 Similarly the proposed driveways within the site are considered to be a sufficient distance from the neighbouring dwellings and, with a fence and limited planting in-between are considered acceptable in residential amenity terms.

- 16.17 The bungalows themselves have been positioned so that there would not be an overbearing impact upon neighbouring residential amenity. They are modest in height and the proposed bungalow on plot 5 has been slightly reduced in height and moved from the boundaries with neighbouring properties to minimise any overbearing impact. It is not considered a daylight/sunlight analysis is required given the single storey heights, hipped roofs which minimise the length of the roof ridges and the distances involved.
- 16.18 Accordingly the scheme is considered to comply with Local Plan Policies SP7 and DM15 in this respect which provide that all development should avoid unacceptable impacts upon amenity, including the protection of residential amenity with regard to overlooking.

Trees and Vegetation

- 16.19 An Arboricultural Impact Assessment has been submitted and the recommendation from the tree officer is that there is no arboricultural objection, subject to conditions.
- 16.20 As confirmed by the Tree Officer:
The submission records four individual trees, three tree groups and one garden hedgerow. All surveyed trees are third-party features situated on or beyond the site boundaries; there are no trees within the application site itself. The survey has been undertaken to BS5837:2012 and the categorisation, constraints data and schedule are considered sound.

The stock comprises one Category A tree (T1, mature pedunculate oak), one Category B tree (T2, mature sweet chestnut; a multi-stem lapsed coppice), one Category U tree (T4, mature rowan exhibiting *Inonotus hispidus*), with the remaining features (G1, T3, H1, G2, G3) graded Category C. T1 represents the principal arboricultural constraint and T2 the largest root protection area.

The site is not subject to a Tree Preservation Order and is not within a Conservation Area, and that the adjacent woodland beyond the north-eastern boundary is subject to Woodland Order 57/10. That adjacent woodland lies outside the application site and is not directly affected by the proposal.

No trees are proposed for removal, and no crown works are required to facilitate construction or access. T4 is graded Category U on account of its own structural condition rather than any development impact; as a retained third-party tree its U grading has no bearing on the acceptability of the scheme. All eight features are retained.

The site is generally flat with no significant level changes, so the root protection areas are reasonably plotted as circles. The governing constraints are the RPAs of T1 and T2 along the north-western boundary, which the layout has been set away from.

Two minor, peripheral RPA incursions are identified: the Plot 1 dwelling enters the RPA of T2 (0.3% of the RPA) and the Plot 1 garage enters the RPA of T3 (1.75% of the RPA). Both are small incursions located on the periphery of the

respective RPAs, beyond the zone of significant structural rooting, and are to be undertaken by supervised excavation in accordance with the Arboricultural Method Statement. No incursion arises into the RPA of the Category A oak (T1), and no structure footprint enters the RPAs of T1, T4, G2 or G3. Service and drainage runs are not yet fixed and are appropriately reserved to detailed design, to be routed outside RPAs or installed by trenchless/hand methods. No changes in ground level are proposed within any RPA. The impact upon the retained stock is therefore considered negligible, subject to the protection and method statements being secured and implemented.

The Tree Protection Plan provides a construction exclusion zone formed by scaffold-framed weldmesh barriers erected at or beyond the RPAs, with ground protection where access across an RPA is unavoidable. The approach accords with BS5837:2012.

The Arboricultural Method Statement provides an appropriately detailed, supervised excavation methodology for the T2/T3 RPA incursions, together with a soft-landscaping-within-RPA method statement. A monitoring schedule is proposed (pre-commencement meeting, four construction-phase visits including one during RPA excavation, and a removal visit), with reporting to the LPA within 24 hours. This is robust and proportionate to a scheme of this scale.

Existing structures, outbuildings, a former swimming pool and hardstanding are to be removed; the AIA records no demolition within RPAs. Material storage and contractor parking are to be located outside all RPAs, to be confirmed at the pre-commencement meeting. No special engineering solutions are required: no no-dig or cellular-confinement construction is proposed and none is necessary given the small, peripheral nature of the incursions; supervised hand excavation is the appropriate principal mitigation. Final foundation depths and design are reserved to the structural engineer and should remain consistent with the approved AMS.

- 16.21 The tree officer has concluded that “No trees are to be removed, no tree of significant amenity, landscape or wildlife value is adversely affected, and the only development impacts are two minor, peripheral and mitigable incursions into the RPAs of T2 (Category B) and T3 (Category C), to be undertaken under supervised excavation.” It has also been confirmed that the adjacent woodland (TPO) lies outside the application site and is not directly affected by the proposal.
- 16.22 It is therefore considered that, subject to conditions, the scheme accords with Local Plan Policy DM15 (Design and Amenity), which requires development to meet high design standards and to preserve and not harm local character and with Policies ENV1 (Environment) and ENV3 (Green Infrastructure), the contributing tree cover being retained and protected.

Wildlife and ecology issues:

- 16.23 In terms of impact upon wildlife and ecology, Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public

authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. National policy seeks to secure measurable improvements for biodiversity and the natural environment. Adopted Section two of the Local Plan policy ENV1 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

16.24 An ecological report has been submitted and Essex Place Services has raised no objections subject to recommended conditions, which will be applied. Given the above, it is not considered an objection can be raised on the grounds of impact upon ecology. In addition a 10% Biodiversity Net Gain is included within the Unilateral Undertaking (with associated condition and informative) as referenced nationally and in ENV 1. Subject to this the scheme complies with Policy ENV 1.

16.25 In accordance with Essex Coast RAMS requirements, a proportionate financial contribution is considered to be required to mitigate wildlife impact from recreational disturbance (i.e. potentially caused by people occupying new residential units - in this case 5 extra units). The payment would be returned if the development is not commenced within the 3 year commencement date period. This can be incorporated into the Unilateral Undertaking or paid up front.

Flood Risk/Drainage

16.26 The application site is outside an identified flood zone and measures less than a hectare and as such a FRA is not required to support the application. Given that the new built form is outside of any flood zone, the proposal is not considered to have a harmful impact upon flood risk issues. (Policy DM23). A surface water drainage condition can be applied.

Other

16.27 Some archaeological evaluation has already been undertaken given the archaeological importance of the site. The Council's archaeologist is happy with the level of detail provided and thus the suggested archaeological condition will be applied. The scheme will therefore accord with Local Plan Policy DM16 and the provisions of the NPPF in this respect.

16.28 The conditions suggested by the contaminated land officer will be applied so the proposal would not conflict with Policy DM1 and DM15 in this respect.

17.0 Planning Balance and Conclusion

17.1 In terms of the planning balance and conclusion, the proposal lies with the defined settlement limits so accords with Local Plan Policy in terms of the principle of supporting residential development in sustainable locations. There is also additional weight for a positive recommendation given that the Council cannot demonstrate a 5 year housing land supply.

18.2 With regard to the planning merits of the case, the scheme is considered acceptable in highway safety terms and the Highway Authority raised no objections to the use of Carshalton End for access into the site. There is also adequate parking and manoeuvring provision within the site. The scheme is acceptable in terms of impact upon neighbouring residential amenity, wildlife, trees and vegetation subject to appropriately detailed conditions. There will also be conditions that cover archaeological and contaminated land issues.

18.3 The planning balance therefore weighs in favour of supporting the scheme and the application is therefore recommended positively.

19.0 Recommendation to the Committee

19.1 The Officer recommendation to the Committee is for:

Authority to APPROVE subject to completion of a Unilateral Undertaking and subject to the following conditions:

1. Time Limit for Full Permissions

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

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

2. Development in accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: X01, X04, X05, X06, X08 Rec'd 19.5.26, Arboricultural Impact Assessment (including mitigation and monitoring schedule) Rec'd 9.6.26, X03 (Rev B), X07 (Rev B) Rec'd 21.8.26.

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

3. Street Name Signs

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

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

4. Materials To be Agreed

No external facing or roofing materials or frontage hard surfaces shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted

planning application.

5. Construction Management Plan

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- vehicle routing,
- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- Dust suppression measures

Reason: In the interests of neighbouring residential amenity and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

6. Travel Packs

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, to be submitted to and agreed in writing by the Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

7. Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

8. Site Boundary Noise Levels

The site's plant and equipment shall not exceed 0dB(A) above the background levels determined at all facades of noise-sensitive premises.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

9. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

10. Contaminated Land Part 1 of 4 (Site Characterization)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

11. Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed

remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

12. Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

13. Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

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

14. Contamination Remediation Validation Certificate

Prior to the first OCCUPATION/USE of the development, the developer

shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 11.

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

15. Archaeology

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

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

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Local Plan 2017-2033 policy DM16 and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

16. Ecological Mitigation

All mitigation measures and/or works shall be carried out in accordance with the details (including timetable) contained in the Preliminary Ecological Appraisal & Preliminary Roost Assessment (Ecology Essex, May 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

17. Ecological Enhancement

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal & Preliminary Roost Assessment (Ecology Essex, May 2026), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

18. Wildlife Sensitive Lighting

Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- . identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- . show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Any external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with

the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

19. Biodiversity Gain Plan

In respect of a Biodiversity Gain Plan, no works shall take place until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to, and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and shall include:

- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the (HMMP);
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- Notice in writing shall be given to the Council when the:
- (f) (HMMP) has been implemented; and
 - (g) habitat creation and enhancement works as set out in the (HMMP) have been completed.

The HMMP (or equivalent plan) can be set out in phases, even if the development is not phased, so there may be different completion dates for different habitat types or phases.

No occupation shall take place until:

- a. the habitat creation and enhancement works set out in the approved (HMMP) have been completed; and
- b. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved (HMMP) shall be managed and maintained in accordance with the approved (HMMP).

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved (HMMP).

Reason: To ensure the development delivers a biodiversity net gain on

site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (and policy ENV1 etc plus any other relevant).

20. Surface Water Drainage

No development above slab level shall be undertaken until precise details of surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding.

21. Car Parking/EV

Prior to the first occupation of the development hereby permitted, the parking spaces (to include one electric vehicle charging point per dwelling) and manoeuvring areas shall have been laid out within the site in accordance with the approved site plan. The approved parking spaces, charging points and manoeuvring areas shall thereafter be maintained free from obstruction and available for parking/manoeuvring use at all times.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied and to support sustainable travel.

22. Cycle Parking

Prior to first occupation, precise details of cycle storage provision shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and thereafter be retained as such.

Reason: To ensure adequate cycle storage provision in the interests of encouraging sustainable transport options.

23. Removal of Permitted Development Rights

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

Reason: In the interest of visual and residential amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

24. Tree shrub Planting

The development hereby permitted shall not be occupied until details of tree and/or shrub planting and an implementation timetable have been submitted to and approved, in writing, by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved

development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate visual amenity in the local area.

25. Boundary Treatments

The dwelling(s) hereby approved shall not be occupied until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

20.0 Informatives

20.1 The following informatives are also recommended:

Highway Informative

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at development.management@essexhighways.org
- Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- There shall be no discharge of surface water onto the Highway.
- Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Land Contamination – Ground Gas Risks Informative

The applicant is advised that the site to which this planning permission relates is recorded as being within 250 metres of filled land. Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases. Where appropriate, this should be considered as a part of the design of the foundations (and may be required under Building Regulations). As a minimum, any ground gas protection measures should equal those in the main building and not compromise the effectiveness of existing gas protection measures.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

Reason: The site lies within 250m of a former (or suspected) landfill site and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.

Informative on Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk>

Biodiversity Net Gain Informative:

A ****Unilateral Undertaking**** is required to ensure delivery of the Biodiversity Net Gain.

Biodiversity Net Gain (BNG) is mandatory from 12th February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the following condition precedent: Development may not be begun unless:

- a) a biodiversity gain plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

For the purposes of the above, a biodiversity gain plan is a plan which

- a) relates to development for which planning permission is granted, and
- b) specifies the matters referred to below:
 - a. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,

- b. the pre-development biodiversity value of the onsite habitat,
- c. the post-development biodiversity value of the onsite habitat,
- d. any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- e. any biodiversity credits purchased for the development, and
- f. such other matters as the Secretary of State may specify by regulations.

Advisory Note on Construction & Demolition

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

Informative on Conditions Stating Prior to Commencement/Occupation

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

Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.