



Application No: 152120

Location: Land Adjacent To, Chapel Road, Tiptree, Colchester

Scale (approx): 1:2500

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **4th February 2016**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 19/02/2016

MAJOR

Site: Land adj to Chapel Road, Tiptree, Colchester

Application No: 152120

Date Received: 8 October 2015

Agent: Simon Slatford, Nathaniel Lichfield & Partners

Applicant: Inland Homes Plc

Development: Erection of 39 residential units (Class C3) with associated parking, landscaping, open space and access.

Ward: Tiptree

Summary of Recommendation: Conditional approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application, objections have been received and a legal agreement is required.

2.0 Synopsis

- 2.1 The key issues explored below are the allocation of the site, which is part for residential purposes and part private open space, the relevant policies and the "alternative recreation proposal". The development proposal, for the erection of 39 2-storey houses of traditional design, is described together with the amendments to the application. The objections and comments made by the parish council, residents and consultees are set out and responded to. The section 106 obligations are described. The conclusion is planning permission should be granted subject to a legal agreement.

3.0 Site Description and Context

- 3.1 The site is approximately 1.12 hectares in size and comprises land occupied by the former Tiptree United Football Club at Chapel Road Tiptree. The application information states the site was previously “the home of Tiptree United FC following the club’s merger with Maldon FC in 2009, the site was vacated in May 2009. The club was never open for public use, and has subsequently been vacant, and not in use as a playing pitch, for over 6 years”.
- 3.2 The site is in a sustainable location located some 220 metres from Tiptree local shopping centre (as the crow flies) and approx. twice this distance when walking to the centre.
- 3.3 This backland site is generally rectangular and is surrounded by established residential properties. The north east boundary is adjacent to rear gardens of properties in New Road and Bird Lane it also has a frontage to Bird Lane and wraps around the rear of 53 Chapel Road where it joins the south east boundary which backs onto rear gardens of properties in Chapel Road. The south west boundary extends along the side boundary with 37 Chapel Road and the rear gardens to bungalows in Morley Road. The North West boundary is adjacent to rear gardens of properties in Morley Road and New Road.
- 3.4 Development surrounding the site is residential but with a varied character. Whilst Morley Road comprises detached bungalows of a similar design and age, Bird Lane, New Road and Chapel Road comprise a mix of detached and semidetached properties of a variety of ages, styles and plot sizes.
- 3.5 The existing access is between 37 and 41 Chapel Road.
- 3.6 Until recently the site contained a clubhouse this has now been demolished, the site includes areas of hardstanding previously used as a car park and the football pitch which is overgrown.
- 3.7 There is a preserved tree along the south west boundary within a group of trees /hedging shrubs on this boundary. There are other trees and hedging along the site boundaries and within the site.

4.0 Description of the Proposal

- 4.1 This full application proposes 39 residential units with associated parking, landscaping and highways works.
- 4.2 The dwellings are accessed from Chapel Road using the existing access between nos. 37 and 41 which will be upgraded in the form of a shared surface road as it enters the development. The dwellings are arranged so their back gardens back on to the rear gardens of the existing properties. A central “green “open space forms a focal point within the development and many of the new dwellings face this area.

- 4.3 The development comprises 2, 3 and 4-bed dwellings. Nine dwellings are 2-bed, 23% of the 39; twenty eight are 3- bed, 72% of the 39, and two are 4-bed, 5% of the 39. The density is 35 dwellings per hectare. Eight of the dwellings are affordable units; comprising four 2 bedroom houses and four 3 bedroom houses. The dwellings include semidetached, linked terraces and detached units. The dwellings are all 2-storey and are of a traditional design and materials; with pitched roofs and elevations of brick, timber boarding or render.
- 4.4 Eighty eight car parking spaces are proposed, including 15 visitor spaces.
- 4.5 The preserved tree and other trees on the south west boundary are retained together with other trees the application includes new tree and planting and detailed landscape proposals.
- 4.6 The layout originally included a footpath link to Bird Lane, a private road, but following objection from a resident in the lane this was removed.
- 4.7 Prior to the submission of the application the applicant held meetings with Tiptree Parish Council and a public consultation event was held on Monday 8th June at the Tiptree Community Centre. The submitted Statement of Community Involvement details these meetings and public comment.
- 4.8 The application also includes the following documents; Design and Access Statement, Transport Statement, Statement of Community Involvement, Landscape Management and Maintenance Plan, Landscape Masterplan, Soft Landscape Proposals and Specification, Arboricultural Impact Assessment and Method Statement, Hard Landscape Proposals, Archaeological and Heritage Report, Flood Risk and Drainage Strategy, Ecology Report and Site Investigation Report

5.0 Land Use Allocation

- 5.1 The area of the football pitch is shown as private open space whereas the area which comprised the car park, former club house and access is allocated for predominantly residential purposes.
- 5.2 An oak tree on the south west boundary is protected by a preservation order.

6.0 Relevant Planning History

- 6.1 The planning history relates to the former use of the site by Tiptree United FC.

Application 76/1226 for the continued use and re-modelling of existing accommodation and extension thereto for the continuing use as a football and social club is relevant as the conditions relating to opening times and capacity of the club give an indication of the level of activity of this use. The conditions are referred to in the main report.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

SD3 - Community Facilities

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

PR1 - Open Space

PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity

DP3 Planning Obligations and the Community Infrastructure Levy

DP4 Community Facilities

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP15 Retention of Open Space and Indoor Sports Facilities

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access

DP18 Transport Infrastructure Proposals

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

DP21 Nature Conservation and Protected Lanes

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA H1 Housing Allocations
SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Affordable Housing

8.0 Consultations

8.1 Recycling, Waste and Fleet Manager

It is unclear [if the single access] would pose a big problem for our refuse collection vehicles. Also the road would be unadopted and whilst we do traverse un adopted roads, we will take a view as to the likely scenarios we will face once built.

These include

- Residents changing and then deciding that they don't want our vehicles coming down their road - we would look for something that prevents this happening
- Complaints re damage to road surface, drainage etc. as a result of us making collections – liability issues
- Parking – once residents move in parking becomes an issue and in terms of the turning head shown, any parking that makes this unusable would prevent us making collections
- The road seems very narrow and again any obstacles may make access unachievable

The applicant has commented "With respect to the comments from the Recycling and Waste Department we would note that residential and visitor parking provision is in line with ECC' adopted standards and the ECC highways officer has accepted that this will be sufficient to accommodate the likely demand. Obstructions to refuse vehicles caused by on street parking would therefore be limited. Notwithstanding this the proposed roads on the site are 4.8 metres in width which would allow a refuse vehicle to pass a car along the straight sections. The width of the internal road in the vicinity of the junction with Chapel Road will increase to 5.5m. Tracking plans are attached which demonstrate the path of a refuse vehicle entering the site from Chapel Road and turning within the development. The enforcement of parking following the completion of development will be overseen by a management company to prevent the obstruction of turning areas impacting any refuse collection"

Officer comment: In case the situation arises where refuse freighter do not enter the site a condition requiring agreement to the provision of a bin collection point within the site is recommended. The Highway Authority has also responded to this issue in their comments below.

8.2 Highway Authority

This Authority does not wish to raise an objection to the above application subject to Conditions.

Officer comment: The Highway Authority has been sent the representations raising highway issues and has responded as follows;

“The site as it stands could be renovated as a sports facility and club house and could already generate traffic including staff, players, supporters, and visiting teams etc. In this regard this Authority does not believe the proposal will generate a higher level of traffic and therefore will not create a highway safety issue. If the current parking on Chapel Road was creating ‘a dangerous situation where traffic has to weave in and out of gaps between parked cars to progress along the route’ it would be reflected in the accident figures. Looking at TraffWeb

(<http://www.essexworkstraffweb.org.uk/main.html>) you can see that there have been no accidents reported over the last five years; having regard to the refuse freighter issue, as the internal road network is to remain private and managed under an appropriate agreement this Authority would have no jurisdiction and therefore cannot pass comment. If the refuse freighter does not enter the site, they already travel slowly along Chapel Road and a suitable refuse collection point could be created near the end of the access road thereby limiting the time the vehicle would be stationary in Chapel Road”.

8.3 **Environmental Protection** recommend conditions should planning permission be granted.

8.4 Archaeology Specialist

There are no archaeological implications relating to this application, and no archaeological investigation will be required.

8.5 Contaminated Land Officer

It would appear that this site could be made suitable for use if the appropriate actions are undertaken with respect to contamination matters. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of conditions:

8.6 Arboricultural Officer

I am in agreement with the information provided. The proposal shows the removal of numerous trees on this site but these are of low value as per the categorisation within BS5837: 2012 with the exception of G1 which are Lawson Cypress trees which, whilst of a higher category due to their condition, are not consider to be of importance on the site except for screening.

8.7 Landscape Officer

There would be no Planning Projects Team objections to this application on landscape grounds.

- 8.8 **Anglian Water** has raised no objection to the application they comment that the waste water treatment for the development is in the catchment of Tiptree Water Recycling Centre that will have available capacity for these flows. The sewerage system also has capacity for the foul sewage. They comment the preferred method of surface water disposal would be sustainable drainage scheme (SUDS) with connection to the sewer seen as the last option and recommend consultation with Essex County Council and Anglian Water regarding surface water; the recommend a condition regarding a drainage strategy.

8.9 Essex County Council SUDS

Thank you for your email received on 2nd November which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We are statutory consultee on surface water from the 15th April.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Drainage Strategy Proposals and Flood Risk Assessment and the associated documents which accompanied the planning application, we support the granting of planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the above mentioned document submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);

- Whether insurance can be gained or not;
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Officer comment: The site is within the Environment Agency Flood Zone 1 which has the lowest probability of flooding.. New residential development is directed to flood zone 1 and the sequential test is not required. The site is not at risk from either surface water or river /sea flooding.

8.10 Planning Policy Comment

Proposal

The proposal is for 39 dwellings and the applicant has indicated that this will include 20% affordable housing. The site was the former football pitch for the Tiptree Football Club and as such is primarily defined as private open space. In response to this, the applicant has indicated that an area of open space off Colchester Road will be transferred to the Parish Council to compensate for the loss of this site.

Planning Policy Comments:

The site is situated on land which was formerly occupied by Tiptree Football Club, prior to the club merging with another football club. The land has not been in use as a pitch or for any other use for at least 6 years. As private open space and an area not in active use, it has not been identified as contributing towards open space provision in Tiptree since its relocation. Part of the site formerly housed buildings ancillary to the sports pitches. These have been cleared from the site and the area formerly occupied by the buildings is considered to be previously developed land (PDL). The key policy considerations are summarised below;

- 1) Tiptree is defined as a District Centre (2nd tier) in the spatial hierarchy (Policy SD1)
- 2) The site is within the Settlement Boundary for Tiptree
- 3) Although not used for 6+ years the site was last in use as private open space Policy DP15 is relevant together with evidence from the Open Space, Sport and Recreation Strategy and the recent Playing Pitch Strategy.

Policy SD1

Tiptree is a large district settlement identified within the spatial hierarchy as a second tier settlement and supports sustainable development in principle. The scale of the proposed development is not significant in relation to the current size and availability and accessibility of services and facilities within Tiptree. Policy SD1 also supports development of PDL as sequentially preferable to greenfield land which applies to a part of the site which also benefits from allocation for predominantly residential use. The whole area is situated in the existing built up area of Tiptree well within the settlement boundary within which there is a generally more permissive approach to sustainable development in principle.

Policy DP15

The proposed development will technically lead to a loss of private open space since its last active use was as a football pitch. Policy DP15 which seeks to protect all forms of existing open space from development is relevant. In order to support development on an area of open space under this policy it is necessary for it to meet specified requirements.

- (i) Alternative and improved provision to be created in a location well related to the functional requirements of the relocated use and its existing and future users.

The alternative open space provision offered by the applicant is located alongside the area identified with the Open Space, Sport and Recreation Strategy and the recent Playing Pitch Strategy as a priority area important to protect and enhance. Its opportunity to function as part of a wider hub is of overall benefit to the community as it is located close to the Tiptree Sports Centre and adjoins land at Warriors Rest which the Tiptree Parish Council is seeking to take on the management of, following the transfer of the lease. This additional area of open space will reinforce the objectives at a strategic and local level. The Open Space, Sport and Recreation Strategy also identifies the need for additional open space to the south west of Tiptree. It is also understood that Essex County Football Association are supportive of developing the Colchester Road area as a hub. Clearly this proposal does not contribute to this objective, but it is considered that the additional opportunity to further enhance the hub area off Colchester Road is of a significant benefit to the wider community. This does raise a point in respect of accessibility between the site and the replacement open space and the need to ensure that good connections are available for pedestrians and cyclists utilising existing routes and enhancing and promoting links between the two areas.

- (ii) Would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general. The site has been inactive and unkempt for a number of years so has no amenity value. As an inaccessible area of private open space it is not identified in the evidence as contributing to a wider green infrastructure network or the character of the area as a whole. The proposed development indicates a small amenity area as part of the layout and design which could potentially make an enhanced contribution to the amenity of the surrounding area, albeit on a smaller scale
- (iii) It achieves the aims of the Colchester Parks and Green Spaces Strategy. The proposed development including the provision of compensatory open space achieves the objectives of the Colchester Parks and Green Spaces Strategy, many of which are also reflected in more recent evidence documents including the Open Space, Sport and Recreation Strategy. Other policies in the Development Plan in relation to design, access and amenity are also relevant but this response focusses on the principle of development and the issues in respect of the open space at Colchester Road.

Recommendation: Support for the proposed development in principle based on the provision of alternative open space

8.11 Urban Design Officer

The layout is generally acceptable, subject to some detailed revisions.

There are areas of overlooking to existing residents and within the development

Detailed points

- The angle to plot 1's building should better address the vista into the site and avoid looking directly into the adjoining garden.
- Some car ports are undersized
- Garden sizes should be clarified against plot numbers

Street Design

- Visitor spaces should be indicated within the 6m street space in appropriate locations
- The link from Chapel Road should be clarified having regard to ensuring safe crossings to Bird Lane

House Types

- House types designs are generally outwardly poor
- Integral car ports (and space above) should be designed as subsidiary elements
- More frontage modelling is required in general to create visual interest
- More and correct detailing is required inherent to the intended architectural style
Detailing should also not be noticeably repeated (e.g. canopies) across entirely different house types and should instead offer greater (bespoke) consistency with individual house type designs.

Officer comment: Amended plans have been submitted since these comments were made the amendments remove the overlooking to existing residents, the car ports have been enlarged and amendment made to plot 1. The integrated car ports are now recessed behind the main front wall with a lower ridge height and timber elevation. Garden sizes comply with the Councils adopted standards. Visitor parking is provided in the form of parallel parking bays. Architectural features have been added and the detailed design and layout are now considered acceptable.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website

9.0 Parish Council Response

- 9.1 Tiptree Parish Council object to this application on the following grounds; over development of area, out of keeping with existing village street scene, inadequate parking provision on development which could impact on surrounding roads, inaccessibility for street services and emergency vehicles, highway issues particularly the entrance from Chapel Road

10.0 Representations

- 10.1 Councillor Martin has made the following comments:-

Planning Statement:- Para. 6.3---2nd. bullet point.

Please note that Factory Hall is part of the Wilkin & Sons property and is not now likely to come to TPC under their planning obligations. We would still like to have this Community facilities contribution to go towards further such hall facilities, of which there is a shortfall in Tiptree for our increasing population.

Officer comment: This contribution will go towards the refurbishment of St. Luke's Community Hall in Tiptree.

Para. 6.6---

TPC desperately need a community football pitch and the transfer to them of the applicants land at Colchester road would be ideal as it was Tiptree United's spare training pitch and is owned by the applicant and would be an equitable swap for the loss to our community of the very long term Chapel Road football pitch/open space. I am not sure whether this can be done legally under S106 or as a Condition but I would like to see it as a legal part of a planning approval.

Officer comment: This issue is explained in the report, if planning permission is granted for the use of this land its transfer to the PC will be secured in the legal agreement.

Otherwise, I have strong reservations re. this appln. as there is no provision for a pedestrian footway connecting via Morley Road to Church Road---the central shopping area of Tiptree. I am mindful that this development with only one narrow access to/from Chapel Road is a bit 'ghetto-like' in it's enclosed state and not pedestrian friendly.

Officer comment: The provision of a pedestrian footway to Morley Road was considered by the applicant but as their site does not abut Morley Road it would involve land in private ownership.

10.2 Ten residents have raised objection to the application of these five refer to matters specific to the impact on their amenity and property.

1. The majority of residents raised objection relating to highway/traffic matters and these are summarised below

Adverse impact on traffic and pedestrian safety as Chapel Road is effectively a single width road caused by the on street parking along its length, particularly towards the junction with Church Road where the houses do not have off street parking. This creates a dangerous situation where traffic has to weave in and out of gaps between parked cars to progress along the route.

The Traffic Assessment does not seem to take in to account the extra volume of traffic that would be using the crossroads of Chapel Road/Church Road/Station Road which is already congested and dangerous. The trip rate does not take into account that in Tiptree 49% of homes have 2+ cars. In a commuter village with only a half-hourly, at best, unreliable local service and buses that run to the nearby stations even more infrequently and inconveniently missing the train connections, far more of the 88 cars catered for by the development could well be travelling in the peak periods. The accident analysis seems to be inconsistent stating that there was a serious accident in 2012 and then dismisses it in the next statement. Chapel Road is a part of the secondary network of routes in Tiptree, being among the most used roads after the two main B roads. Hence, the number of people accommodated needs to be reduced and/or there needs to be significant road improvement. The junction of Chapel Road/Newbridge Road and New Road is poorly laid out for pedestrians

The access to/from the new development will be via existing dropped kerb layout rather than creating a new spine road and bell mouth. The access is inappropriate for a development of this size. The pathway is used by young children on scooters and cycling. The entrance road to the development appears to be single width. Increases the likelihood of traffic waiting on Chapel Road to turn in and will further increase congestion along Chapel Road. Vehicles leaving the site would have sufficient views up and down the road to enable them to exit safely.

The report from ECC Highways shows a lack of understanding of Tiptree. The football ground has not been used for over 5 years, so any football traffic has not affected the road for many more years than 5 as in its decline the club was barely used, in addition to being a very minor club the ground was only for matches once every two weeks in the football season.

2. The hedges and trees along the west boundary are a haven for wildlife and the dwellings proposed are to be constructed far too close. These trees and shrubs are used as a bat highway/gateway and light and noise pollution would most definitely have a detrimental impact to their existence. Adding a few nest boxes and bat tubes is not the answer and these could potentially be removed by future occupiers. New potential occupiers would see these trees and hedges as an inconvenience and cut them down, disregarding the wildlife. It is important that the mature trees and hedges be retained with an adequate buffer zone from any development for the benefit of the wildlife enjoyed by the nearby inhabitants
3. Tiptree is short of open space, particularly in the southeast side of the built-up area of the village, so providing open space elsewhere worsens the situation for those living nearby.
4. The number of 2-bedroom houses provided by the application is around 23% of the total, this is in line with what Tiptree had at the time of the 2011 census, which falls short of the 28% enjoyed by Colchester, 26% in East of England and 28% in England. Unless this percentage is significantly increased to provide starter homes and homes for downsizers, more and more people will be forced unwillingly to leave the village. Dwellings unsympathetic to the locality surrounding the site where the need is for more one/two bedroom starter/retirement-type residences, than for larger properties.
5. Chapel Road is already considered a flood risk area and the proposed drainage for this site will be insufficient to improve the situation.
6. The site has always been intended for use by residents of Tiptree and not for development of this nature
7. This development is not required as we are currently seeing the building of 100's of new homes at the top of Factory Hill and on the Jam Factory site this is just over crowding an already crowded part of Tiptree. Tiptree cannot take anymore building on any piece of open ground until the council start to improve the services and employment prospects locally. This application should be refused and the area given over to the public good.
8. The proposes housing density out of keeping with the surrounding locality
9. Will detract from existing residents' privacy
10. Noise will be created when the building does start.
- 11.47 Chapel Road- the 50ft high trees/laurels between my property and the proposed development should be reduced to a more manageable height and the developer should ensure that the potential purchasers are instructed to manage and ensure that they maintain this reduction in height on an annual basis, ensuring that the trees / Laurels do not grow any taller.
Officer comment: These trees are to be removed and replaced with new tree and hedge planting the plan indicates the hedge will be maintained at a height of 1.8 metres.
- 12.37 Chapel Road - entrance too small, noise when building starts.
Officer comment: the Highway Authority is satisfied with the site entrance. Any development will generate a certain amount of disturbance; a condition requiring a Construction Management Plan is recommended.
- 13.41 Chapel Road- my property is adjacent to the access road , my kitchen windows faces directly onto the access road only some three metres from cars, lorries,

pedestrians etc. having full view into my house. There are privacy issues with both upstairs bedroom windows facing the access road. There would be noise issues also; my partner has recently undergone heart surgery. I am not objecting to the erection of this housing site, but would request that consideration be given to a fence or barrier being built in order to gain privacy and some way towards noise reduction. Lastly, I feel the building of 39 houses will certainly cause disruption to nearby residents over a considerable period of time. I would appreciate your views on this matter.

Officer comment: the case office has spoken to the resident and a boundary wall has been agreed this will be secured by condition.

- 14.57 Morley Road plot 1 is far too close to our boundary and would impact on our privacy, obstruct light from entering into our garden, also potentially causing a flooding risk to an already wet area. The whole of the west boundary adjacent to Morley Road is made up of single story dwellings, occupied by mostly retired or disabled people. Our privacy would be invaded from two story dwellings overlooking our properties, when we have all been used to the open space. There is also the noise pollution to be considered. Maybe single story dwellings would have been more sympathetic along this boundary. Parking will be at the bottom of our garden we object to noise and fumes.

Officer comment: these issues are considered in the main report.

- 15.15 Bird Lane Object to the proposed footpath from Bird Lane this would encourage people to park in our Lane and leave their vehicles so they can visit. Bird Lane is not big enough to take too much traffic as it is unmade and not wide enough.

Officer comment: this path has been removed.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 The application proposes 88 parking spaces which includes 15 visitor spaces. This meets the Council's adopted standard which requires a total of 88 spaces.

12.0 Open Space Provisions

- 12.1 The application includes an area of open space within the site to be maintained by a private management company. The legal agreement will secure an Open Space, Sport & Recreation contribution of £201,000 towards borough wide projects. In addition all the dwellings have a private garden which complies with the minimum garden size standard in the Essex Design Guide.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- Affordable housing 20%
- Community facilities contribution £51,000 towards the refurbishment of St. Luke’s Community Hall in Tiptree.
- Open Space, Sport & Recreation £201,000.
- To secure a Management Company to be responsible for the maintenance of the open space and communal areas within the site
- Residential travel packs to each residence (this will be secured by condition)
- Essex County Council are considering whether or not an Education Contribution is required.

15.0 Report

Design and Layout

- 15.1 The layout indicates dwellings accessed from Chapel Road with houses backing onto the gardens of existing dwellings. There is a central area of open space within the site and the new dwellings either face this area or front each other across the new street. The open space forms an attractive central feature within the development. The layout also indicates a dwelling facing down the access road towards Chapel Road to satisfactorily address the public view of the development.
- 15.2 The dwellings are all of a traditional design with pitched roofs and traditional materials to walls and roofs. The detailed designs also incorporate traditional details including chimneys, entrance porches, exposed eaves and brick plinths.

Scale, Height and Massing

- 15.3 The houses are 2 storey and of traditional proportions. One house type has a 1½-storey element to the rear with a cat slide roof and a dormer window. Whilst the surrounding area comprises residential development it has a mixed character. Existing dwellings are predominantly of traditional styles and proportions and include 2 storey dwellings, chalets and bungalows. The proposed development is in keeping with the character of the area.

Impact on the Surrounding Area

- 15.4 The site is in a sustainable location close to the centre of Tiptree. It is allocated for part residential and part public open space use. Any use of the site, whether for residential or private open space, would have an impact on the neighbouring area to some degree. The site was previously occupied by Tiptree United FC and this use would have had an impact on the surrounding area in terms of noise and traffic generation.

- 15.5 The application originally included a pedestrian access to Bird Lane but following comment from a resident in Bird Lane, a private road, this was removed from the scheme.

Impacts on Neighbouring Properties

- 15.6 As explained above, the site is surrounded by residential properties the new houses will back onto the gardens of exiting dwellings and the access is between no's 37 and 41 Chapel Road.
- 15.7 The south west boundary of the site abuts the rear gardens of bungalows in Morley Road. The dwellings proposed along this boundary are parallel to existing dwellings. In these situations where the 2 storey dwellings have habitable rear rooms the Essex Design Guide requires a minimum eye to eye distance of 25 metres from rear wall to rear wall and the new properties to have a garden a minimum length of 15 metres even if this means the 25metre distance is exceeded. The new dwellings on this boundary comprise 11 units which include 2 properties with habitable rooms at first floor these properties satisfy the 25 metres and 15 metre standard. The other 9 properties are the house type which includes a projecting 1 ½-storey element to the rear; this house type has been amended so the only windows in the rear elevation are an en-suite and a bathroom window; these properties are all 15 metres from the rear boundary. Conditions will require these windows to have obscured glazing and will prevent the installation of any new windows. The revised layout also repositions some dwellings so they are 15 metres from the boundary.
- 15.8 There is only one other property where a proposed house is parallel to an existing dwelling and in this instance the rear elevation has been revised to remove all first floor windows and these rooms will be lit by windows to the side. Again a condition will prevent the installation of new windows.
- 15.9 Whilst other dwellings also back onto the gardens of existing dwellings they are generally at right angles not parallel and in these situations the Essex Design Guide indicates 15 metres separation is acceptable or where there are no first floor windows a lesser distance is acceptable . Where side elevations face existing gardens they have no first floor windows and in all other instances 15 metres is achieved.
- 15.10 The amendments to the layout and window positions mean the amenity of residents is protected and the Councils privacy requirements are satisfied.
- 15.11 Access to the site is via the existing access from Chapel Road. This access passes close to nos. 37 and 41 Chapel Road. Both of these residents have objected to the application. As noted in the representation section the case officer has spoken to the owner of no 41 and agreed a wall along their boundary. This has been agreed with applicant and will be secured by condition. A condition requiring agreement to a Construction Management Plan is also proposed. The "Backland and Infill Guidance" recommends 3 metres either side of an access however this situation is different as it relates to an existing access which serves a site which is part brownfield and with a previous recreation use. Any use of site for either residential or private open space would involve the use of this access .The planning history indicates the clubhouse was also used by Tiptree United FC as a social club which was permitted to open throughout the week and until 11.15pm on Fridays and Saturdays and membership up to 500 members was permitted.

15.12 The use of the access to serve 39 dwellings is considered acceptable

Amenity Provisions

15.13 The application includes an area of open space which will be maintained by a private management company. All the properties will have a private amenity area which satisfies the Council's amenity standards. In addition to the onsite provision a financial contribution of £210,000 has been secured.

15.14 Part of the site is allocated as private open space. The relevant policy DP15 is set out in detail in the comments from the planning policy team. In summary this policy requires an alternative provision where development will result in the loss of private open space. The applicant has offered Tiptree P C approx. 2 hectares of land at Colchester Road Tiptree for their use for recreational purposes. This land abuts a substantial area of land owned by this Council allocated and used for open space purposes. Whilst this land is considered an acceptable alternative provision the current planning permission on the Colchester Road land is personal to Tiptree United FC and planning permission is required for its use by Tiptree PC. An application, reference 152845, has recently been submitted to vary conditions on the planning permission but is currently undetermined. It is anticipated that before the section 106 agreement is finalised a decision will be made. If planning permission is granted the transfer of this land to the Parish council will be secured in the legal agreement; should planning permission be refused a financial contribution to the Borough Council for "Tiptree Recreational projects" will be secured.

Highway Issues

15.15 The Highway Authority has raised no objection to the application and considers the width of the access and visibility splays is acceptable. The Highway Officer has seen the representations from the parish council and residents raising highway issues and maintains support of the application. The response from the Highway Authority is set out above.

15.16 The proposed access will be shared surface as it enters the main part of the development this is designed to give priority to pedestrians and encourages low vehicular speeds.

Other Matters

Trees /Ecology

15.17 The application documents include a Landscape Management and Maintenance Plan, Landscape Masterplan, Soft Landscape Proposals and Specification, Arboricultural Impact Assessment and Method Statement, Hard Landscape Proposals and Ecology Report.

15.18 The Arboricultural Impact Assessment indicates the majority of trees are of low value comprising silver birch and white poplar. The loss of these trees will be mitigated through new planting. The tree protected by a preservation order is retained. The Arboricultural Officer agrees with the recommendations of the report and has no objection to the removal of the trees.

- 15.19 The Ecology report identifies there are opportunities for breeding, nesting and foraging birds and minor foraging opportunities for bats in the vegetation along the west boundary. This area of vegetation, which includes the preserved tree, is to be retained within the development. The report details measures to mitigate the impact of the development and includes recommendations for enhancement of the site's ecological value.
- 15.20 The report suggests native hedging is encouraged within the development to create wildlife corridors for bats to use for foraging and commuting; lighting along the boundary corridors should be sensitive towards bats, and avoided where possible in order to maintain dark corridors for bats to use.
- 15.21 The enhancement recommendations will be secured by condition.

Drainage

- 15.22 The application includes a surface water drainage scheme which has been considered and approved by Essex County Council as Lead Local Flood Authority subject to conditions. This scheme is required as the site exceeds 1 hectare. The site is within flood zone 1 where new residential development is directed. Anglian Water has no objection and has confirmed there is capacity for waste water and foul sewage.

Section 106 contributions

- 15.23 The applicant has agreed to all the section 106 requirements and financial contributions including 20 % affordable housing. These are detailed above.

16.0 Conclusion

- 16.1 This development is proposed on a highly sustainable site close to Tiptree centre, part of the site is brownfield land and part a football pitch designated as private open space. The residential development has been the subject of negotiation with officers and an acceptable layout and detailed design has been achieved. A legal agreement will secure all the financial and other obligations required' this includes 20% affordable housing. In addition an alternative open space provision is proposed comprising approx. 2 hectares of land at Colchester Road Tiptree. The application is acceptable and planning permission is recommended.

17.0 Recommendation

- 17.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:
- 20% affordable housing
 - Community facilities contribution £51,000 towards the refurbishment of St. Luke's Community Hall in Tiptree.
 - Open Space, Sport & Recreation contribution £201,000.

- A Private Management Company to maintain the open space and other communal areas within the site
- Transfer of land in Colchester Road to Tiptree PC at no cost for recreational sport use
- Education Contributions – subject to confirmation of Essex County Council.

17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 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 to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers P01 E, P02 I, SS01 E, P100 B, P101 B, P102 C, P103 B P104 A, P105 A, P106 C, P107 B, P108 B, P109 C, P110 B, P111 C, P112 A, P113 A, P114 B, P115 B, P116 B, P117, P118, P119 A, P120 A, P5/5 9713402v2, P121 A, P122, P123.

P124 A, P125, P126 B, P127 B, P128 C, P129 D. P130 D, P131 A, P132 A, P133 A, P134 A P135; P136. P137 A, P138 A, P139 A, P140 A, P141 A

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Site Levels Plan

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

4 - Materials Shown on Plan to be Agreed

Notwithstanding any details shown within the submitted application, this permission expressly excludes the use of the external materials. No works shall take place until details of alternative materials shall have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out using these approved materials.

Reason: The materials proposed in the application are not considered to be suitable for use on this site and to ensure that appropriate materials are chosen which will secure a satisfactory appearance, in the interests of visual amenity.

5 - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works. Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

6 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills, canopies, hoods, plinth, chimneys, arches and all other architectural features to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure the architectural detailing is of a high quality.

7 -Non-Standard Condition/Reason

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

8 - Refuse and Recycling Facilities

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.

9 - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

10 - Non-Standard Condition/Reason

No works shall take place until details of a refuse collection point have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development and shall thereafter be maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that adequate facilities are provided for a refuse collection point within the site.

11 - Non-Standard Condition/Reason

The access driveway shall be of a non-gravel construction, no works shall take place until details of the construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect residential amenity.

12 - Contaminated Land Part 1 of 4 (Site Characterisation)

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and 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

13 - 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

14 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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.

15 - 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14.

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

16 - *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 13.

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

17 - Non-Standard Condition/Reason

No works shall take place until details of the 9 inch wall including, height and location and implementation timetable adjacent to no 41 Chapel Road has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect residential amenity.

18 - Non-Standard Condition/Reason

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings or approved in discharge of conditions, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway or private road (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

19 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), all the windows in the first floor rear elevation of all dwellings to both ensuite and bathrooms shall be glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

20 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, roof lights or other openings shall be installed above ground floor level within the rear or side facing elevations WALL(S) or roof FACE(S) of the dwellings hereby permitted unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

21 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

22 - Non-Standard Condition/Reason

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

23 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall also provide a 2m wide pedestrian footway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

24 - Non-Standard Condition/Reason

The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of safety.

25 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

26 - Non-Standard Condition/Reason

All single garages should have a minimum internal measurement of 7m x 3m.

All double garages should have a minimum internal measurement of 7m x 6m.

All tandem garages should have minimum internal measurements of 12m x 3m.

All garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

27 - Non-Standard Condition/Reason

The garages/car ports forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

28 - Non-Standard Condition/Reason

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, 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 in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

29 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED

NUMBERS/DENSITIES WHERE APPROPRIATE; AND

- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

30 - Landscape Management Plan

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

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

31 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

32 - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998. All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

33 - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

34 - Non-Standard Condition/Reason

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of: (select as appropriate)

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

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

35 - Non-Standard Condition/Reason

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. The surface water drainage scheme should be based on the Flood Risk Assessment referenced TRS/INL/E4375/15713, dated 27th October 2015.

The scheme shall include:

- Run-off rates limited to a minimum of 50% betterment on existing brownfield rates from the site.
- Attenuation storage which will cater for the 1 in 100 year critical storm plus allowance for climate change.
- The appropriate amount of treatment stages.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

36 - Non-Standard Condition/Reason

The development hereby permitted shall not be commenced until pipes within the extent of the site which will be used to convey surface water are cleared of any blockage.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

37 - Non-Standard Condition/Reason

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 and groundwater 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 topsoils 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.

38 - Non-Standard Condition/Reason

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.

39 - Non-Standard Condition/Reason

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.

40 - Non-Standard Condition/Reason

No drainage works shall commence until a surface water management strategy has been submitted to and approved, in writing, by the Local Planning Authority. 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.

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

41 - Non-Standard Condition/Reason

No works shall take place until a detailed scheme, including an implementation timetable, to secure the recommendations of the Ecological Appraisal dated August 2015 prepared by ACD has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the impact of the development on the site's ecology is appropriately mitigated.

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with the works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(5) INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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

(7) PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

(8) PLEASE NOTE: This site is the subject of a Tree Preservation Order.

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

20.0 Positivity Statement

- 20.1 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.