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Item No: 7.2

Application: 180873

Applicant: Mr Davies

Agent: Kevin Coleman, Phase 2 Planning & Development Ltd

Proposal: Erection of 56 residential properties with associated parking, servicing, amenity space, landscaping and utilities.

Location: Land North of, Dyers Road, Stanway, Colchester

Ward: Stanway

Officer: Sue Jackson

Recommendation: Approval/Refusal

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issues for consideration are land-use, the design/layout, traffic and highway implications, flood risk, impact on ecology and archaeology. The impact on neighbouring amenity and the surrounding area is also discussed, the representations are set out and responded to. The report concludes that the development is acceptable subject to appropriate conditions and section 106 obligations.
- 2.2 The application is subsequently recommended for permission subject to a legal agreement.

3.0 Site Description and Context

- 3.1 The application site is located on the west side of Dyers Road, Stanway between two parcels of land; one to the south where residential development is under construction with some dwellings occupied and the other to the north where there is a committee resolution to grant planning permission for 35 dwellings.
- 3.2 The site has an area of 2.82 hectares it is “L” shaped and can be divided into two parcels. The smaller area is described as a mixed successional habitat of neutral sward grassland, dense mixed scrub and individual young broad leaf trees, the larger area is of agricultural origin with little biodiversity or conservation value.
- 3.3 The site has a frontage to Dyers Road, the north boundary is shared with the adjacent development site and then extends behind this land to abut the boundary with established dwellings in Egremont Way and Grieves Court. The west boundary is irregular in shape it also abuts a boundary with established dwellings in Warren Lane including “The Burrow” a bungalow set behind the road frontage. This boundary also abuts new residential development, where there is row of preserved trees along the old field boundary separating the two sites. The south boundary also abuts new residential development.
- 3.4 The frontage to Dyers Road includes a hedgerow and in addition to the preserved trees on the west boundary the site also contains a small number of preserved trees close to the north boundary and a single preserved tree within the site.

4.0 Description of the Proposal

- 4.1 This full application proposes the erection of 56 dwellings with associated infrastructure, parking, landscaping and open space. The proposal comprises 1, 2, 3 and 4 bed homes on a site of 2.82 hectares north of Dyers Road. Eleven affordable units are included. The layout takes into account the future development of Stanway, a “strategic” road from the neighbouring site and the eventual stopping up of Dyers Road. The main vehicular access is proposed from a new entrance onto Dyers Road, located towards the southern end of the site’s frontage which then connects to the road serving the land to the south. A linear open space is proposed along part of the north and east boundary abutting an area of retained woodland on the adjacent site. A pedestrian/cycle link is indicated connecting to a similar path proposed on the site to the north and linking to the main access road.
- 4.2 The application includes the following supporting documents;
- Design and Access Statement
 - Planning Statement
 - Transport Statement
 - Flood Risk Assessment and Drainage Strategy
 - Ecological Report
 - Archaeology Report
 - Arboricultural Impact Assessment
 - Landscape Strategy
 - Site Investigation and Remedial Method Statement

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 The application site does not have any relevant planning history. Relevant planning history on adjacent sites include; Application 172272 which proposes 35 dwellings on land to the north where there is a committee resolution to approve subject to a legal agreement being signed (Taylor Wimpey). The development under construction on the land to the south is subject to application reference 152826 for 93 dwellings (Mersea Homes).

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
- UR1 - Regeneration Areas
- 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
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- 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 STA1 Appropriate Uses within the Stanway Growth Area
- SA STA2 Phasing of Greenfield sites in Stanway Growth Area
- SA STA4 Transportation in Stanway Growth Area
- SA STA5 Open Space in Stanway Growth Area

It is understood that the Stanway Neighbourhood Plan is currently 'on hold' and is unlikely to be progressed in the short term. No weight can be given to the work carried out to date. There is an adopted Parish Plan for Stanway but this does not form part of the Local Plan.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage having been submitted for Examination and is, therefore, considered to carry some weight in the consideration of the application. But as it is yet to complete the examination stage, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

- Stanway Parish Plan and Design Statement (March 2011)
- Stanway Southern Slopes Access Brief (May 2011)
- Community Facilities
- Vehicle Parking Standards
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy

8.0 Consultations

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

8.2 Environment Agency have confirmed they have no comment to make.

8.3 Urban Design Officer objected to the original submission which was considered to lack a sense of distinctive character, and did not adequately respond to the attractive landscape setting and generally did not represent good place-making. Objection was also raised as the proposals are premature, given they are not informed by a wider agreed masterplan as required by the Colchester Local Plan for such large growth sites, and which might have helped avoid some of the identified problems. key issues include:

- Car parking inappropriately dominating some areas of public realm and resulting in a poor sense of spatial enclosure
- Lack of desire-line pedestrian and cycle link to the East (Warren Lane)
- Extension of the pedestrianised green corridor (from the neighbouring northern site) inappropriately peters out into nothingness instead of intuitively facilitating desire-line access
- Development inappropriately backs onto to public realm, at least without woodland buffering and a general sense of self-policing.

- Poorly overlooked and defined space between development and woodland/hedgerow along some of the northern site boundary
- a lack of continuity of built frontage (urban characterisation) and public realm greenery (soft landscaping) for the relatively wide movement corridors:
- An undersupply of useable public open space assessed against Colchester's Development Policies which requires 10%
- A lack of foot and cycle access along the hedgerow as part of a wider envisaged route through Fiveways.

OFFICER COMMENT

The Urban Designer comments about prematurity and the need for a masterplan are surprising as the officer is aware of the development of the parcels of land either side of this site. As the site is the only remaining area on this side of Dyers Road there is no necessity for a masterplan as key parameters are now established. The adjacent developments have been agreed without a masterplan and this remaining parcel is informed by those approved schemes. The site to the north and ecological constraints on the application site have informed the location and shape of the open space and the vehicular access and location of the spine road are informed by the development to the south. A masterplan will be required for the larger area of the Fiveways Fruit Farm on the opposite side of Dyers Road. The development cannot be considered to be premature as it relates to an allocated site.

Meetings have taken place to secure improvements to the scheme in respect of layout, including the pedestrian link, defining the open space and car parking. Whilst some improvements have been agreed these discussions are ongoing and Members will be updated on the amendment sheet.

8.4 Archaeologist No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

8.5 Environmental Protection have no objections in principle but comment; The development will create operational traffic that will add further road traffic related air pollutants into areas already experiencing elevated Colchester borough has a number of AQMA's and areas where levels of road traffic related pollutants are over 75% the national and European Air Quality Objectives.

In Line with the latest institute of air Quality and Environmental Protection UK guidance, impact mitigation measures should be incorporated into new developments. This would include effective travel plans (In excess of those normally expected for a typical development of this nature) but should also incorporate Electric Vehicle charging points for off road parking spaces associated with dwellings. This can be dealt with by condition.

We would therefore recommend conditions be applied should permission be granted.

8.6 Contaminated Land Officer

A Phase 1 Desk Study has been submitted which includes the application site, as well as another parcel to the south of Dyers Road (not the subject of this application). This is an acceptable report for Environmental Protection's purposes. It has identified some potential sources of contamination, chiefly: suspected asbestos containing material in vicinity of a derelict shed adjacent to the southern boundary of this parcel (within the building's structure and spread across the ground surface), use of shed for general farming activities, off-site landfills/backfilled pits. No asbestos surveys were made available. An initial conceptual site model has been drawn up and a Phase 2 Intrusive Investigation has been recommended for both parcels in order to further risk assess the identified potential pollution linkages.

The Geotechnical and Geo-environmental Site Investigation Report refers to the Land North of Dyers Road parcel only. This report has further assessed the risks identified in the above desk study report. The work consisted of the excavation of six trial pits to max depth of 2.4m bgl and 7 boreholes to a maximum 2m bgl. A sample of the surface soils in the vicinity of the suspected asbestos-containing fragments was obtained. Sample locations were determined to provide a general assessment of ground quality beneath the site. Three of the boreholes (BH1, BH2, BH7) were converted to monitoring wells and six gas monitoring visits were completed. Soil samples were tested for a range of contaminants, including metals, PAH, TPH, pesticides and herbicides.

I note that up to 0.8m made ground/disturbed ground was encountered, all determinants were found to be below the chosen assessment criteria and it has been concluded that the contaminant levels within the soils will not pose a significant risk to human health. No loose asbestos fibres were encountered in the area where fragments of suspected asbestos cement sheeting were observed. The appendices include a single sample result for 'hut' – result 'chrysotile'. The revised Conceptual Site Model recommends removal of all fragments of cement sheeting on the surface adjacent to the hut and Figure 4 includes the derelict shed in the area requiring remediation. On completion of the work it has been recommended that validation should be undertaken to confirm that all asbestos containing materials and asbestos has been removed, consisting of a detailed inspection of the area and the collection and analysis of surface soil samples for asbestos.

With respect to ground gases, I would like to be in receipt of confirmation that the depth of response zones is considered relevant, also that the worst case has been captured by the data, given the shallow depth of wells and as there have been no readings undertaken at low pressure (<1000mb)

The applicant's attention is drawn to the recommendation that the potable water supplier be contacted to confirm its requirements for buried supply pipes. Further risk assessment will be required for the remainder of the site (Land South of Dyers Road).

However, based on the information provided, it would appear that the site could be made suitable for the proposed use. Consequently, should this application be approved, Environmental Protection would recommend inclusion of conditions and informatives:

- 8.7 Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. Incorporating Secured by Design into your development is always preferable in order that security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development,. Essex Police, in supporting the ethos of Sections 58 & 69 of the NPPF, provide a free, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain Secured by Design accreditation and would invite the them to contact Essex Police via designingoutcrime@essex.pnn.police.uk .

- 8.8 Lead Local Flood Authority (LLFA) EC SUDS Team

The LLFA were consulted in April 2018 and despite several reminders have not responded to the consultation. A response was again requested on the 10 August and a verbal update will be provided for the Committee or conditions suggested.

- 8.9 EECOS (The Ecological Advisory Service of Essex Wildlife Trust)

EECOS has advised the Council on ecological matters and commented that with this and other adjacent developments in the pipeline, it appears likely that badgers may be effectively excluded from the local area unless sufficient habitat is retained to support them. Retaining movement corridors is unlikely to be sufficient. Therefore it would be preferable to retain the north west scrub area.

Officer comment: EECOS subsequently confirmed this comment was only advisory as legislation does not secure habitats. Following the receipt of the further information from the applicant's consultant EECOS agreed with the comments made.

- 8.10 North East Essex Badger Group

It is noted that this Application borders Appl. No 172272 - a development area which houses the badger sett referred to in this Application. At the moment the wildlife have free range over both these areas but presumably once the first development commences, then they will naturally gravitate to the last remaining piece of land afforded to them. If this area is built on then exactly where will our badgers and other wildlife go? A narrow wildlife corridor is all well and good, should they wish to keep to it, but this leads to roads and over to the last piece of land which we understand is also subject to development. It would be good if provision could be made for a substantial piece of shrubland to remain undeveloped connected to the present badger sett area which would allow the badgers and other wildlife reasonable foraging grounds.

The applicant's specialist response to these comments is set out below "Eco-Planning Uk Ltd has been involved with this application site and adjacent secondary woodland area since 2013, and as such our badger related comments are not a one off/snap shot opinion based upon a single site visit but have arisen from 5 years of on-site presence. As part of the planning application process comments have been received from EECOS and the North East Essex Badger Group in relation to the disturbance of the badgers/sett within the adjacent secondary woodland that would be caused by the proposed development:

It is not clear from their comments if either group have at any time been to the proposed development site to assess the sett and any/all adjacent habitats, or if their comments are simply general observations.

We have clearly stated in the ecological report submitted as part of the application that in relation to the off site sett:

This possibly once main sett has 12 entrances, most of which have been blocked or only occasionally used over the last 5 years....

The sett use has declined significantly since 2013 when we first assessed its condition/status, its use is now only occasional.

Since the completion of the ecological report – our services have been retained and the site is under our watching/monitoring brief. During this time the occasional sett use has declined further and there is now no indicative sign of any sett use within the secondary woodland. It is possible that this sett has already been vacated and there is no associated badger presence or even occasional use.

There is a large active sett to the south east of site beyond the adjacent five ways fruit farm (we do not normally disclose the location of off-site badger setts that are not impacted upon by a proposed development – in case of illegal badger related activities) that may be part of the same social group that used the proposed development site, without further survey efforts -bait marking etc we cannot confirm.

Ground penetrating radar was used to determine if the off-site sett in the adjacent secondary woodland extended into the proposed development area beneath the soil surface. The ground penetrating radar had a visual screen representation which was used to mark on site the location of any sett trespass into the development area. The off-site sett did locally extend with one distinct sett tunnel 9.2 metres into the proposed development site.

Although the off-site sett is possibly no longer active it was agreed that a 10 metre boundary corridor could be created and would prevent any sett disturbance and would allow any possible future badger occupation of the sett.

It must be noted that the 10 metre wildlife corridor is not specifically/solely for badger provision as the degree of sett activity is now negligible. The corridors existing need is to increase and connect the amount of reptile habitat to the northern boundary field edge where there is a restricted reptile presence, and to improve the connectivity of the declining tree/shrub field hedge boundary for bat dispersal – foraging. In this instance the green corridor will be effective and fit for purpose.

In conclusion – the comments made although understandable are not accurate in relation to the existing sett condition and badger presence – they are more generic – and not based upon on extended site observations”.

8.11 Arboriculturalist: has raised no objection to the application

8.12 Highway Authority

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions and informatives

8.13 Landscape Officer has commented that to accord with the Council's Landscape strategy for development sites the landscape element of the proposal needs to be cross-checked against the Council's standard generic requirements under landscape 'Guidance Notes A (LIS/A)'; and where applicable amended accordingly to fully accord with them.

The following points should be taken into consideration as part of any revised proposals:

- For reasons of clarity units 1 to 5 need to be clearly numbered on the Landscape Strategy drawing 17.3050.01.A and the surface materials on plan need to include symbol as well as colour.
- The existing hedge to Dyers Road has considerable value within the street scene and is a prominent and established part of the hedgerow network locally. In order help protect the long term viability of this important hedge development layout should be reconsidered to ensure units are set well back from and preferably front onto it, or if not front onto then layout is redesigned to allow units to side onto it.
- In order to help better define the frontage enclosure along the main spine road, define the edge of the sight splay arcing along the frontages to plots 1 to 5 and complement the pattern of adjacent development, horizontal bar railing should be proposed to front the proposed frontage hedging to plots 1 to 6, 41 & 42 and 50 to 53.

9.0 Parish Council Response

9.1 The Parish Council have stated I can confirm that Stanway Parish Council OBJECTS to this proposal as there is insufficient Public Open Space, there is a lack of amenities for children, the site is too dense with a lack of parking and the Committee backs the concerns of local residents.

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.

- The roads can't cope as it is and that's without the other developments finishing. There should not be any more new builds in Stanway or near the A12 or A120.

- Stanway used to be a quiet village but now it can't cope with all the extra people and traffic, the roads are in a terrible condition with potholes everywhere.
- Traffic builds up in Warren Lane and right through to Tollgate as the cars try to join the Maldon Road it is horrendous and this application if agreed, will just make a bad situation even worse.
- Facilities including the doctors and schools cannot cope
- Colchester Borough Council will not listen to the people of Stanway and will approve this development because the backhanded payments they are receiving and lining their pockets with
- Stop using the word affordable because the houses aren't and never will be.
- This development will fill in the last remaining open space in this area. Surely the time has come to stop building in Stanway, we have very little open space left and our facilities are at bursting point now.
- Each relatively small development off Dyers Road is one thing, but if linked as is proposed will produce one huge sprawling estate. This plot is the last remaining oasis for wildlife in the 'Dyers Road/ Warren Lane triangle'.
- crime will increase
- This is an ecological disaster. So much wildlife will be displaced especially as the woodland area is being destroyed. We have a badger set on the land, we have deer, foxes, stag beetles, owls, bats.
- We ourselves have suffered the consequences of being built on two sides of our property over the past 18 months, namely Parva Place, and the approval of this application would mean that our third boundary would also have a housing development. This would leave us totally surrounded and engulfed by a huge development. Two years ago, we had seclusion and privacy from the world, but today we are being subjected to the trappings of living in an estate- built bungalow. We purchased our property because of its privacy and seclusion and the thought of yet another boundary being taken over by building works is an absolute nightmare for us. We are concerned about our right of way, and even though Mersea Homes have assured us that our right of way will not be affected, we feel that our drive may in some way suffer from residents or children within this development. We would like some reassurance as to how the developers intend to fence off our right of way, in order to ensure us that the drive will NOT be used for any traffic including foot traffic. We would like to know whether the trees on the north west boundary will be protected. We have very little green space for our children to grow up and appreciate the environment.

11.0 Parking Provision

- 11.1 The development satisfies the Councils adopted parking standards for residential development including visitor parking. A condition will be imposed to secure appropriate vehicle and cycle parking .

12.0 Open Space Provisions

- 12.1 The layout includes an area equivalent to 10% of the site as public open space. The submitted drawings and supporting planning documents state that all garden areas comply with the Councils amenity standards for private gardens.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area.

14.0 Planning Obligations

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

- Open Space, Sport and Recreation: A total off site open space contribution of £312,699.36. A Public Open Space & Tree maintenance sum, if these features are adopted by CBC, of £24,638.78
- County Education: Primary Education: £12,734.00 per place, Secondary Education: £19,345.00 per place, the development can be expected to generate the need for up to 16.20 primary school, and 10.80 secondary school places.
- County Highways: a) A continuation of the spine road between the adjacent Taylor Wimpey site (east of Warren Lane) and Dyers Road b) Upgrading of the two bus stops which would best serve the site (details to follow) c) Residential Travel Information Packs. Works to be conditioned and delivered either as part of the site or by a s278 agreement.(As with Taylor Wimpey's site east of Warren Lane, delivery of the continuation of the spine road should be included in the s106 agreement)
- Affordable Housing Officer commented on the original proposal which has now been revised to include 2 4-bed dwellings and the storage space in the units has been increased. 11 units are proposed tenure to be in accordance with adopted policy and all of the affordable housing to meet a minimum of building regulations Part M4 Category 2.
- Community Facilities – a contribution required towards the refurbishment and extension of the Evangelical Church, £180,000 for the building work at Stanway Evangelical Church and £2000 for installation of a hearing loop and relevant equipment Stanway Youth Centre

15.0 Report

15.1 The main issues in this case are:

The Principle of Development

15.2 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is also reflected in guidance set out in the NPPF. The Council's adopted Development Plan Documents, include a Core Strategy, Site Allocations and Proposals Maps and Development Plan Policies (DPD). The Council has also adopted a Supplementary Planning Document Stanway Southern Slopes Access Guidance (2013). In addition to these adopted documents, the emerging local plan is also of relevance,

and is considered to carry some weight. The residential use of this land is in conformity with the adopted local plan.

- 15.3 The Council's Core Strategy provides the overarching policy direction for the local plan and for the delivery of development, infrastructure, facilities and services in Colchester to 2021 and 2023 for housing. Policy SD1 of the Core Strategy promotes sustainable development and identifies broad locations for growth. Five main locations are identified, including the Stanway Growth Area, of which the application site forms part. Policy SA STA1 of the adopted Site Allocation Plan identifies appropriate uses within the Stanway Growth Area. The application site is allocated for residential development.
- 15.4 As this is an allocated site there is not an objection in principle to the site being developed for residential purposes.

Design and Layout Appearance

- 15.5 The proposed dwellings are of a traditional design. A range of house types are proposed; their external appearance has been developed with a simple palette of materials. A mix of red, multi and buff bricks will be used and complimented by special brickwork detailing, window blanks and special feature walls. A mix of brick and weatherboarding will be used on some units to provide enhanced details and features which further anchor the larger houses within the street scene.
- 15.6 The urban design officer has commented on the lack of foot and cycle access along the hedgerow as part of a wider envisaged route through Fiveways; the position of the extension of the pedestrianised green corridor; the development inappropriately backs onto to public realm and that there is poorly overlooked and defined space between the development and woodland/hedgerow along some of the northern site boundary; a lack of continuity of built frontage and public realm greenery and an undersupply of useable public open space.
- 15.7 The provision of a link through the frontage hedge would conflict with the advice from the Landscape Officer to preserve this hedgerow intact. In the longer term Dyers Road will become a pedestrian cycle route when it is closed to through traffic. The layout has been revised to reduce the dominance of car parking. The built frontage to the main spine road has been improved by linked units and the amended plans include increased levels of greenery.
- 15.8 The layout has also been revised to include units, north of the access, fronting Dyers Road set behind the frontage hedge. South of the access point due to the sharp curve in the road to connect to the adjacent site it is not possible for units to both front the new access road and Dyers Road. In townscape terms the priority is to front the new road and these units therefore back onto Dyers Road with the frontage hedge retained at the end of the gardens.

- 15.9 The application originally included two areas of open space, one a small oval shaped area virtually surrounded on all sides by roads and the second a linear area abutting the retained woodland on the land to the north. The revised scheme re-aligns the internal road so these two areas now form a single larger area. The public open space includes the preserved trees on the site. At the request of a ward councillor a nature trail is proposed through the open space the details of which will be secured by condition.
- 15.10 The layout has been revised so dwellings now front onto the open space so this public area is overlooked. Negotiations are continuing regarding these frontage units to ensure the open space is appropriately addressed and this public space is not dominated by vehicles and roads. This is difficult to achieve taking account of the constraints of the site and the linear nature of the public space but a more organic edge to this public area is required. Revisions in respect of materials and some fenestration details are also ongoing.
- 15.11 Some of the amendments to the layout whilst not significant have altered the position of dwellings and introduced different house type on plots along part of the west boundary adjacent to recently constructed dwellings. These neighbours have been re-consulted and the period for comments expires on the 24th August (the day after the Committee meeting). Any representations will be reported on the amendment sheet. Should any material new representations be received raising new issues on the 24th September the application will be referred back to Members.

Scale, Height and Massing

- 15.12 The buildings are all of domestic scale; with proposed dwellings a maximum of two-storeys high. The proposal includes bungalows on sensitive boundaries with established dwellings. The range of house types and differing unit sizes has been used to create a varied street scene with larger, corner-turning house types used to anchor key views around the site.
- 15.13 The scale of development is of medium density, semi-detached and detached dwellings. This follows the established pattern of development in the Stanway area.

Impacts on Neighbouring Properties

- 15.14 Members will note the representations summarised above. The objections are made by residents in the established properties in Warren Lane, Egremont Way and Grieves Court. One of the main issues raised relates to traffic; the condition of roads and the queues on the A12 and A120. Stanway has seen large scale residential development in recent years including Lakelands and Wyvern Farm and more locally the development to the north and south of the site and other smaller sites in Warren Lane. Stanway is defined as a Growth Area in the Development Plan and the application site is allocated for residential development. The Highway Authority has raised no objection to the application.

- 15.15 Concerns about ecology are addressed below.
- 15.16 The residents of the Burrow and others have raised objection to the loss of privacy. The application includes five bungalows which are located on the boundary with properties in Warren Lane and Egremont Way/Grieves Court. The bungalows do not include any rooms in the roof space and conditions will be imposed to prevent roof conversions without the prior consent of the Council. One 2- storey house is also proposed on this boundary with the dwelling orientated side-on with no first side floor windows. Furthermore, the installation of first floor windows without the prior written consent of the Council will be precluded by condition.
- 15.17 The majority of the proposed houses back onto the new dwellings on the land to the south. Two houses are aligned side-on and one includes a first floor side bedroom window which will be excluded by condition.
- 15.18 The occupants of “The Burrow” a bungalow behind the Warren Lane frontage have expressed concerns that they will be surrounded by new development. This is acknowledged as the site allocations in the adopted local plan are contiguous with the boundaries of this property. This application proposes bungalows along the boundary and it is considered that the existing bungalow will not be materially overlooked. These residents are also concerned that their right of way to Warren Lane may be used by additional traffic. Whilst this right of way is in the applicant’s ownership they have confirmed no vehicular access is proposed. The application shows the rear garden of a new bungalow abutting the end of the right of way.
- 15.19 It is considered the proposed layout of dwellings, in particular the use of bungalows on sensitive boundaries, will effectively protect residents amenity. Conditions will require the submission of a Construction Management Plan which will require agreement amongst other matters to working hours and delivery times.

Trees and ecology

- 15.20 The planning application is supported by an Arboricultural Impact Assessment and Tree Protection Plan. The assessment indicates that to implement the proposal, it would be necessary to remove a total of 11 trees. These trees are overall in poor condition and lack visual presence. Trees of medium to high quality including all trees subject to Tree Preservation Orders will be retained and will be adequately protected throughout the development process.
- 15.21 To compensate for the loss of trees, the application includes replacement trees or shrubs to be replanted at key locations throughout the development. These new trees will offer the opportunity to replace the low quality tree population that currently occupy the site.

- 15.22 No part of the proposed development site has any type of statutory or non-statutory conservation designation although the development site is within a zone of influence for Abberton Reservoir S.P.A. - RAMSAR site, Essex Estuaries Special Area of Conservation, and Colne Estuary S.P.A. The proposed development will not reduce the size or conservation status of these designated sites, nor affect their management regimes or future ecological potential. The proposed development area does not create new access to these Natura 2000 sites. However the ecological and habitat report indicates the proposed development could have some minor recreational/disturbance and the applicant has confirmed they would be willing to make a financial contribution towards the emerging Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) recommended by Natural England.
- 15.23 The ecological report includes surveys for the following species
Great Crested Newt - The report concludes there is no water body within the proposed development area. There are two irrigation reservoirs within the Five Ways Fruit Farm to the east and appropriate screening for both reservoirs confirmed a Great Crested Newt absence.
- 15.24 Invertebrates – the report concluded that the site has little invertebrate value and that the losses to invertebrate ecology arising from the development of this site are likely to be minimal. However it recommends these small losses should be mitigated by the retention and enhancement of edge habitats which would be of value in particularly the retention and planting of blackthorn and the narrow strip of gorse behind the roadside hedgerow. The creation of bee banks along the south-facing margins of the western section would also be of benefit.
- 15.25 Hazel Dormice – the surveys indicated a dormouse absence from the site.
- 15.26 Reptiles - Slow Worm and Common Lizard were identified within field margins and the successional field corner to the north-west. Habitat protection / enhancement / creation/mitigation will be required to retain these animals on site in viable and sustainable numbers.
- 15.27 Badgers- A badger sett is present, adjacent to but outside of the northern site boundary. The report indicates that the sett use has declined significantly since 2013 when its condition/status was first assessed, its use is now only occasional. Ongoing development will result in the sett being more or less enclosed with significantly reduced foraging habitat. This proposed development will require a minimum of a 10 metre buffer along the northern boundary through which the animals can access of site habitat. However the report indicates that it is likely however that the badgers will in time vacate this area, however badgers are such sett loyal animals –and if they want to stay the wildlife enhanced corridor buffer will be of benefit.

- 15.28 The report also indicates that “Surprisingly, a single entrance “new” sett was created almost overnight in October 2017 some 30 metres plus into the proposed development site from the northern boundary. Ground penetrating radar confirmed that it was not connected to the main off site sett. An application will be made to Natural England to close this single entrance sett under licence from June 2018”. Further commentary regarding badgers is set out above in the consultation section.
- 15.29 Bats- Five species of bat were recorded within the survey area - Common Pipistrelle, Soprano Pipistrelle, Common Noctule, Brown long-eared and Leislers Bat.
- 15.30 The report concludes the wider site had negligible bat foraging activity – the secondary woodland, off site to the north, had the most. In respect of commuting routes – the greatest activity was along the northern boundary field edge and continued directly into the green off-site corridor leading into the Five Ways Fruit Farm. Medium commuting activity was identified along the southern and southwest field boundaries.
- 15.31 Protection and enhancement of the remaining hedge line and the restoration of the connectivity where it has been removed will be required. The hedge/tree line to the northern boundary will require protection, enhancement and creation with a minimum 10 metre wildlife corridor/buffer along its length to maintain this most important bat foraging and dispersal route, from the secondary woodland to off- site habitats, as highlighted within the bat survey efforts.
- 15.32 Illumination design across the site, especially along the northern boundary buffer, should be minimal bat friendly, further bat provision – roost boxes should be part of a subsequent ecological design and management plan for the site.
- 15.33 Birds - The survey concludes that development of the land will not be detrimental to the species identified during the fieldwork on condition that any development work must commence in the winter months defined as October to February in order that possible crop nesting/feeding species are not prospecting nest sites, especially once the main fruit growing areas have been cleared. In the event that the development proposes to remove any section of mature Hawthorn hedgerows, the work to remove them must commence in winter and be completed by the end of February, before hedge-nesting species start prospecting nest sites
- 15.34 The ecological survey work concludes that the site has ecological significance in the local context and this is referred to by residents. The layout of the proposed development has been informed by the ecological work and there is the potential for development to mitigate and enhance the ecological and biodiversity of the site. Given that the site supports habitat that will be used by a range of species, a condition requiring a scheme of biodiversity enhancements and habitat retention, protection and enhancement is recommended, this could include such matters as sensitive

lighting, planting of replacement habitats on site, e.g. within the POS areas, retention of habitat, to follow good practice during the site clearance and during the construction phase, and good practise construction measures. Conditions will secure the submission and approval of a Biodiversity Method Statement, Construction Environmental Management Plan, and Management Plan for the site the latter to ensure the long-term and continuing favourable condition of the retained and compensated habitats to provide long-term biodiversity benefits.

Highway and Parking Provision

- 15.35 A Development Brief for Stanway Southern Sites Access has been adopted by the Council. The brief requires the creation of an estate spine road through the southern part of the Stanway Growth Area, linking Warren Lane to Blackberry Road. The scheme provides for the eventual closure of Dyers Road as a through route and the reconfiguration of the Fiveways junction, with the estate spine road designed to accommodate bus services. The main access road to this site from Dyers Road linking to the development to the south state forms part of this estate spine road.
- 15.36 It is proposed that the main vehicular access to the site will be via a new strategic road that connects to the existing Warren Lane / Stanway Western By-pass roundabout, through the land to the south west and into the south western corner of the application site. This strategic road will ultimately cross Dyers Road and connect to the parcel of land to the south of Dyers Road providing accessibility to the future residential development of this site. Dyers Lane will ultimately become a green lane for pedestrian and cycle movements if the future. A spine road with cul-de-sacs leading off it will provide the main access to the proposed residential dwellings within the site that is connected to the main strategic road.
- 15.37 The application includes a continuation of the pedestrian / cycle link proposed on the adjacent development site to the north. The pedestrian and cycle links will provide opportunities for the residents to walk and cycle to local facilities. To help encourage modes of transport other than the private car, Residential Travel Information Pack are proposed for all new residents. This is to be secured by condition.
- 15.38 The concern expressed by local residents in respect that the impact that this development will have on the surrounding roads are appreciated. The Highway Authority has not raised an objection to this application on the grounds of highway safety or capacity.
- 15.39 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this, provision for visitor parking at a ratio of 0.25 spaces per unit is required. In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided.

- 15.40 Each property is provided with a minimum of two allocated parking spaces through a combination of garages, private driveway and/or parking courts. In addition to the private parking spaces visitor car parking spaces are also provided. Each house is provided with secure cycle parking.

Drainage and Flood Risk

- 15.41 The application is accompanied by the submission of a Flood Risk Assessment and Drainage Strategy. The site falls within Flood Zone 1 and is therefore at minimal risk from surface water flooding, the document also assesses other sources of flooding and concludes they pose no threat to the development site.
- 15.42 The drainage strategy indicates how the required below ground attenuation can be located within the development layout. Surface water runoff can be accommodated via the piped network, crate and concrete ring soakaways together with the foul water connecting to the Anglian water network via pumped rising main.
- 15.43 The use of SUDS is proposed within the surface water drainage strategy for the propose development in order to control runoff water rates and volumes. This will reduce downstream flood risk and reduce pollutant concentrations and act as a buffer for accidental spills to improve runoff water quality.
- 15.44 The Environment Agency has confirmed they have no comment to make on the application.
- 15.45 Essex County SUDS was consulted in April on receipt of the application and despite reminders have not responded to the application.

Air Quality

- 15.46 The proposed development site is not located within an existing AQMA. However Environmental Protection has commented that the development will create operational traffic that will add further road traffic related air pollutants into areas where levels of road traffic related pollutants are over the national and European Air Quality Objectives. Impact mitigation measures are requested to include effective travel plans incorporating electric vehicle charging points. These matters will be secured by condition.

Contamination

- 15.47 The Contamination Land Officer has made detailed comments in respect of the submitted reports but concludes that subject to conditions and informatives the site can be made suitable for the proposed use.

16.0 Conclusion

- 16.1 The application proposes 65 dwellings on land allocated for residential purposes in the adopted local plan. It is considered the development will not adversely impact on the amenity of adjacent neighbours nor result in significant impacts on the highway. The supporting documents demonstrate the development would not cause significant harm to ecological or landscape interests and conditions are proposed to mitigate and improve ecological interests. Preserved trees will be retained and new landscaping is proposed and secured by condition. The Highway Authority has raised no objection in terms of highway safety or capacity. It is considered that the benefits of the scheme significantly outweigh any adverse impacts and Members are asked to agree the officer recommendation set out below.

17.0 Recommendation

- 17.1 It is recommended that Members resolve to grant planning permission, subject to:
- (1) a recommendation of no objection from the Lead Drainage Authority ECC SUDS team (any conditions recommended will be imposed)
 - (2) no material objections being received as a result of the further neighbour notification on the revised plans which expires on the 24 September.
- 17.2 Subject to the above the Planning and Housing Manager is authorised to enter into and complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting to provide the following:
- Open Space, Sport and Recreation: A total off site open space contribution of £312,699.36. A Public Open Space & Tree maintenance sum, if these features are adopted by CBC, of £24,638.78. Details of the Management Company for the open space to be submitted and agreed prior to the commencement of any development
 - Primary Education: £12,734.00 per place 16.2 places , Secondary Education: £19,345.00 per place 10.80 places • A continuation of the spine road between the adjacent Taylor Wimpey site (east of Warren Lane) and Dyers Road to be completed in accordance with details including an implementation timetable, to be agreed with the Highway Authority
 - Affordable Housing 11 units tenure to be in accordance with adopted policy and all of the affordable housing to meet a minimum of building regulations Part M4 Category 2,
 - Community Facilities – a contribution required towards the refurbishment and extension of the Evangelical Church £180,000 for the building work at Stanway Evangelical Church and £2000 for installation of a hearing loop and relevant equipment Stanway Youth Centre
 - A financial contribution towards Recreational Disturbance Avoidance and Mitigate Strategy (RAMS)

- 17.3 In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Planning and Housing Manager is authorised at their discretion to refuse the application.

Conditions

1. ZAA - Time period

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. ZAM - *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 (drawing numbers to be added on amendment sheet)

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

3. – Non Standard Condition - Cross Sections

Prior to the commencement of development detailed scale drawings by cross section and elevation that show the development in relation to adjacent properties, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill. 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 – Non Standard Condition - Architectural Features

Notwithstanding the details submitted, no works shall commence above ground floor slab level until additional drawings that show details of all the proposed architectural details including but not limited to plinths, windows, doors, cills, arches, eaves, verges, bargeboards, porches, brickwork /stone work detailing, false windows, chimney stacks and rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, are 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 and such detail that has been submitted is not necessarily acceptable as such details are considered important to establishing a benchmark for the character of the buildings in this strategically important and prominent site.

5 – Non Standard Condition - Removal of PD to erect new walls/fences

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, shall be erected 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.

6. Non Standard Condition - Removal of PD for Windows Above Ground Floor Level

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, dormer windows, rooflights or any other form of openings shall be installed above ground floor level within any elevation 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.

7. Non Standard Condition - Retaining Garage for Parking

The garage accommodation 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.

8. Non Standard Condition - Parking and Cycle Parking

The residential development hereby approved shall have a minimum average of 2.25 car parking spaces per dwelling and cycle parking in accordance with the Council's adopted parking standards. The parking facilities, as agreed, shall be maintained at all times for parking.

Reason: To ensure the provision of adequate car and cycle parking within the scheme in accordance with the Council's parking standards.

9. Non Standard Condition - Landscape

Notwithstanding the details submitted, no works shall take place until full details of all landscape works, including 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:

- MINOR ARTEFACTS AND STRUCTURES (E.G. THE NATURE TRAIL, 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.);

- 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

10. Non Standard Condition - Boundary Treatment

Notwithstanding the details submitted, the boundary treatment of the site, where it abuts existing residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these dwellings. The additional details shall include drawings to demonstrate existing boundary enclosures to be retained and the new boundary enclosures. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of these dwellings

Reason: In order to ensure that an appropriate landscape treatment is provided along this sensitive boundary.

11. Non Standard Condition - Landscape Management

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 including the open space and nature trail, 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.

12. Non Standard Condition - Trees

No works shall take place until all trees and hedges not scheduled for removal on the approved plans have been safeguarded behind protective fencing in accordance with 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.

13. Non Standard Condition - Trees

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

14. Non Standard Condition - Trees

No works or development shall be carried out until an Arboricultural Method Statement in accordance with BS 5837 and an arboricultural Scheme of Supervision, have been submitted to and approved, in writing, by the Local Planning Authority. The Scheme of Supervision shall include: a) Induction and personnel awareness of arboricultural matters b) Identification of individual responsibilities and key personnel c) Timing and methods of site visiting for monitoring of tree work and development work adjacent to retained trees, record keeping and updates and the timeframe for submitting these details to the Local Planning Authority d) Procedures for dealing with variations and incidents and the timeframe for notifying the Local Planning Authority of such details. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Scheme of Supervision.

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

15. – Non Standard Condition - Air Quality Mitigation Scheme

Prior to the commencement of development a written scheme that considers mitigation measures outlined in Chapter 5 of the EPUK & IAQM Guidance 'Planning For Air Quality' shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the development. The scheme shall include details of the type of charging point to be provided, their location, a timeframe for their implementation, the arrangements by which residents of the development can access and use the charging points and details of their on-going management and maintenance. The approved scheme shall be completed and operational prior to final completion of the development.

Reason: To ensure that the proposed development does not give rise to any unnecessary increase in atmospheric emissions which will have an adverse impact on local air quality for the surrounding area and further afield and in the interest of promoting a sustainable transport modes.

16. Non Standard Condition - Construction Method Statement

Development shall not commence unless and until a Construction Management Plan ("CMP") has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved statement. The CMP shall include:

- Details of the site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- Details of the proposed storage of materials and disposal of surplus materials;
- Methods of dust management;
- Pollution control during construction: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage, pollution response plans;
- Details of hours of work;
- Details of hours of deliveries

- Siting and details of wheel washing facilities
- Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant equipment and vehicles;
- Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound;
- Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009; and
- Details of piling

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

17. Non Standard Condition - Construction traffic management plan

Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

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

18. ZGX - 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.

19. ZGY - 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.

20. ZGZ - 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.

21. ZG0 - 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 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, 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 20.

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.

22. ZG3 - *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 18.

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 receptor.

23. Non Standard Condition - Ecological Scheme

Prior to the commencement of development a Biodiversity Method Statement, a Construction Environmental Management Plan, and a 5 to 10-year Management Plan plus a Scheme of biodiversity and habitat retention, mitigation (including a detailed lighting scheme), protection and enhancement, including an implementation timetable, to include but not be limited to the details set out in the Ecological Report submitted with the application shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area and to ensure appropriate retention, protection, mitigation and enhancement to provide long-term biodiversity benefits.

24. Non Standard Condition - Highway Amendments

Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:

- a) The footway adjacent plot 8 to 16 located immediately adjacent the carriageway. As submitted the layout is likely to lead to vehicles parking across the footway
- b) An adoptable transition into the shared surface adjacent plot 16 and 34
- c) A footway on both sides of the carriageway and an adoptable transition into the shared surface adjacent plot 48 and 57

The development shall be carried out in accordance with the approved drawings

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

25. Non Standard Condition - Highway Mitigation

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

- a. The approved Traffic Regulation Order and associated works to prohibit vehicular traffic in Dyers Road
- b. A priority junction off Dyers Road to provide access to the proposal site. Junction shall have but not be limited to a 43 x 2.4 x 43 metre visibility splay
- c. Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

26. Non Standard Condition - Highway Mitigation

Within 28 days of completion of the development item b. above shall be permanently removed and all vehicles travelling to and from the proposal site using the spine road provided as part of the adjacent residential development (planning permission 152826 refers)

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

27. Non Standard Condition - Travel Packs

On the first occupation of each dwelling, the residents shall be provided with Travel Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority, in consultation with Essex County Council.

Reason: To ensure that a development takes place which exploits opportunities for the use of sustainable transport modes for the movement of goods and people.

28. Non Standard Condition - Garages

Prior to the first occupation of any dwelling, the garages and parking spaces that are intended to serve that dwelling (as shown on approved plans) shall be made available for use of the occupants of that dwelling and their visitors. The garages and parking spaces shall thereafter be used solely for the benefit of the occupants of that dwelling or their visitors for the parking of vehicles and for no other purpose.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

29. Non Standard Condition - Lighting

All lighting installed within the development hereby permitted (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the Colchester Borough Council's External Artificial Lighting Planning Guidance Note for EZ2 rural, small village or dark urban areas and shall thereafter be retained and maintained in accordance with these guidelines.

Reason: To protect the residential amenity and to reduce the affects of light pollution.

19.0 Informatives

1. ZTO - Advisory Note on Construction & Demolition

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

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

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

3. Highway Informatives

- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works

4. Informative – Asbestos-Containing Material

Environmental Protection note that asbestos-containing material has been identified at/in vicinity of a derelict shed and we therefore recommend that the applicant seek specialist advice, sufficient to ensure that all relevant asbestos-containing material is identified prior to commencement of works, safely dismantled or demolished and appropriately disposed of and in accordance with all duties under the Control of Asbestos Regulations 2012.

Reason - Asbestos-containing material has been identified at/in vicinity of a derelict shed and Environmental Protection wish to ensure that all asbestos containing material is identified, safely removed and appropriately disposed of, to prevent creation of any new, unacceptable contamination linkages.

5. Informative – Ground Gas Risk Assessment

Environmental Protection would like to be in receipt of further information with respect to ground gas migration risks.

Reason – There is insufficient information to show that the depth of response zones is considered relevant, also that the worst case has been captured by the data, given the shallow depth of wells and as there have been no readings undertaken at low pressure (<1000mb), and Environmental Protection wish to ensure that the development only proceeds if it is safe to do so. The applicant is responsible for the safe development and safe occupancy of the site.