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Item No:	7.4
Application:	171172
Applicant:	Mr L. Patten
Agent:	Mr Staszek Stuart-Thompson
Proposal:	Demolition of the existing car repair garage and its replacement with a new two storey dwelling house. Proposed change of use to C3.
Location:	West End Garage, High Street, Dedham, Colchester, CO7 6HL
Ward:	Rural North
Officer:	James Ryan
Recommendation:	Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Councillor Nigel Chapman has called it in for the following reason: I believe development on this site can be done in a sympathetic manner to reflect its relationship to the surrounding buildings and, in particular, to the setting of the AONB. Policy DP1 states that a proposal must demonstrate that it will 'respect and enhance the character of the site, its context and its surroundings' and 'respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area'. I, together with the parish council and numerous residents believe a far better job can be done in this sensitive corner of Dedham's Conservation Area and the wider AONB.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the scheme on the Dedham Conservation Area and the Dedham Vale Area of Outstanding Natural Beauty (AONB). The scheme was originally a highly contemporary residential proposal but, following the objections received from the Parish and neighbours, an amended scheme was submitted. The amended scheme is traditional in approach and held to be acceptable in terms of its design and impact on the Conservation Area and AONB.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site currently houses West End Garage. This is an industrial unit that was used as a garage workshop in a backland position, set back from the High Street behind the bungalow at Inverell. It has been disused for many years and is in a very poor state of repair. It is harmful to the Conservation Area and is not beneficial to the AONB either.
- 3.2 Inverell is a single storey dwelling as are the dwellings to the south of it. Directly to the south however is the BT Exchange building which is of a two storey height to the rear of the site, dropping to single storey towards the front. It is very unattractive.
- 3.3 To the north of the site is an undeveloped field. To the north of this is a Public Right of Way (the Essex Way) which runs in a north-westerly direction from the High Street. Glimpses of the site can be seen from this footpath. Further north beyond this are more dwellings located on the High Street.
- 3.4 To the east are the dwellings located on the opposite side of the High Street.
- 3.5 To the west of the site is open countryside and the wider Dedham Vale AONB, a landscape of visual and cultural quality that is of national significance.
- 3.6 The quality of the surrounding built environment, particularly to the north further into the historic core, is of the highest order.

4.0 Description of the Proposal

- 4.1 The demolition of the garage workshop building and the replacement with a single dwelling is proposed.
- 4.2 The proposed dwelling would have three bedrooms on the first floor. On the ground floor a kitchen, dining room and study/snug are proposed along with another bedroom, toilet facilities and a utility room.

5.0 Land Use Allocation

- 5.1 The land is within the defined settlement limits where development such as that proposed is held to be acceptable in principle. As noted above, the site is in the Dedham Conservation Area and in the Dedham Vale AONB.

6.0 Relevant Planning History

- 6.1 There is no planning history of note.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP9 Employment Uses in the Countryside
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP22 Dedham Vale Area of Outstanding Natural Beauty

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

None Relevant

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Open Space, Sport and Recreation
Sustainable Construction
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC’s Development & Public Rights of Way
Dedham Vale AONB Management Plan
Dedham Parish Plan
Dedham Village Design Statement

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as summarise below. More information may be set out on our website.
- 8.2 Highway Authority: No objections subject to conditions.

- 8.3 Environment Agency: Initially gave a response of no objection but raised issues of concern with the contaminated land report, in particular with the lack of clarity with it regarding the possible impact on the water environment. Following an amended report the Environment Agency has no objections subject to conditions.
- 8.4 Natural England: No objections.
- 8.5 Environmental Protection: No objection but request a note regarding demolition and construction is added to the decision notice.
- 8.6 Contaminated Land Officer: Based on the information provided, it would appear that this site could be made suitable for the proposed new use, with the remaining contamination matters dealt with by way of condition. Consequently, should permission be approved for this application, Environmental Protection would recommend inclusion of five contaminated land conditions.
- 8.7 Arboricultural Officer: I am in agreement with the conclusions and recommendations made within the tree report provided and the revised tree protection plan. Tree protection conditions are requested. Please make the Tree Protection Plan one of the approved drawings.
- 8.8 Landscape Planning Officer: No objection to this application on landscape grounds. Bespoke Landscaping condition requested.
- 8.9 Archaeology: The proposed development is located within the historic settlement core recorded in the Colchester Historic Environment Record. There is high potential for encountering below-ground heritage assets of the medieval period at this location.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

- 8.10 Historic Buildings and Areas Team: Note: due to the sentiments of the call-in, this has been set out in full:

1.0 Heritage Asset: Summary of Significance

The Dedham Conservation Area is arguably of national significance by reason of the wealth of early vernacular buildings and the associations with the work of John Constable. Furthermore, this is enhanced by the significance of the associated AONB landscape designation.

2.0 Scope of Works: Summary

Demolition of C20 garage buildings and erection of two storey dwelling.

3.0 Relevant Statutory Duties

S.72(1) of the PI (Lb & Ca) Act 1990 and 66(1) of the 1990 Act in terms of the desirability of preserving and enhancing the character and appearance of the wider conservation area, preserving and enhancing the setting of listed buildings in the locality and in addition 85(1) of the Crow Act 2000 that requires a planning authority to take steps to accomplish the purpose of conserving and enhancing the natural beauty of an AONB; and must have regard to that purpose in exercising any function in relation to, or affecting land in, an AONB.

4.0 Analysis of Impact Upon Heritage

The site is set to the rear of an interwar bungalow forming part of a similar ribbon development at this gateway into the historic town. The existing buildings are of no particular significance or aesthetic quality and do not contribute positively to the character or appearance of the conservation area visually or in terms of significance. The redevelopment of this site is to be welcomed in principle.

The application site is materially set back from the street frontage and serves as a foil to the development that lines the street. It does play a wider role in the settlement edge and is visible in countryside views from the network of PROW footpaths to the north.

The revised scheme adopts the form of a vernacular framed structure echoing the silhouette of a cross wing with subordinate single storey range. The use of pentice boards and haphazard glazing to the flank serves to reinforce this impression. The proportioning is also appropriate and the limited palette of natural facing materials respects the character of historic buildings within the conservation area. The simplicity of the proposed fenestration and familiarity of the built form would result in an appropriate and honest building with an understated presence in the landscape and settlement. The use of detailing and quality materials will be essential in this sensitive location to successfully translate these design aspirations into a reality.

In terms of the relationship of the development to the streetscene, a narrow entrance flanked by hedging will ensure the unbroken continuity of the existing street frontage and will serve to heal the discontinuity that would otherwise harm the conservation area.

5.0 Compliance with Relevant Policy

Paragraphs 126-141 of the framework requires that heritage assets are conserved in a manner proportionate to their significance and that harm is avoided or where essential and unavoidable in the wider public interest that adequate mitigation is provided. Paragraphs 63 and 64 set out the Government's commitment to design quality and state: "63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The statutory duties identified above are reflected in the adopted local plan (DP1, DP14, DP22, UR2, ENV1) In my opinion, the revised proposals by reason of their contextual compatibility are in conformity with statute, national and local design and heritage related policies.

6.0 Conclusions & Recommended Actions

The revised proposed development would serve to enhance the wider conservation area and AONB through the removal of a building/use that currently detracts from the significance and appearance of the conservation area and wider AONB designation.

7.0 Suggested Conditions

- *Large scale details of ridges, verges, eaves, flat roof and fascia, dormers, all windows and doors, pitching door, lintel and sill details, reveals, plinth, flue and extract vent terminals, rainwater goods.*

9.0 Parish Council Response

9.1 Dedham Parish Council have commented as follows:

We welcome the new application in its attempt to demonstrate a more appropriate design however we strongly object and make the following points. Perspective images clearly demonstrate how overbearing the two storey development is in relation to the foreground bungalow. The aerial perspective also shows how much the site would be overdeveloped and squeezed into a small plot leaving little garden space, except for that required to provide the right of way access through to the fields behind.

The street scene does consist entirely of low level bungalow developments except for the utility exchange building. Justification for the two-storey build seems to be based on that exchange which was subject to different planning rules and was very strongly objected to at the time.

The Landscape and Visual Appraisal report continually refers to the low quality build form of the rest of the properties on that side of the road, we are sure that our residents will make of that what they will. They are well maintained and are classic for the time in which they were built, they are low level and minimise the impact upon the views across the Vale. The one of poor build quality is the exchange and the point regarding its planning rules has already been made, we trust that would be refused if it was subject to domestic planning conditions, one inappropriate building should be no justification for another.

In summary, this revised application does not address the overbearing and overdevelopment points that we made previously, it is not "insignificant" as they suggest. The site is within the conservation area and AONB, whilst we recognise that the existing building is an outdated workshop, it is a single-storey commercial premises. We would welcome the opportunity to view proposals for a single-storey replacement dwelling of an appropriate size and design that complements the rest of the street scene.

We strongly object to this proposal and we do not support any change of use or planning consent based on this application.

If officers are minded to grant consent then we will work with our Ward Councillor to effect a call in to the full planning committee.

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. 18 objections and one letter of support were received prior to the amended drawings and full re-consultation. 13 objections and one general comment was received afterwards. This includes two objections from the Dedham Vale Society.

In summary the representations objected to the scheme for the following reasons:

- The scheme is unattractive in this prominent and important site.
- The scheme should be of a better design.
- Contemporary design is fundamentally unacceptable.
- The scheme is harmful to the Conservation Area and AONB.
- The scheme should be single-storey like the other bungalows.
- The BT Exchange should not be used to justify something of this scale.
- The amended scheme is an improvement on the initial submission.
- The altered plans are more in keeping.
- The applicants should have been made to submit a full new application and not amend the current one.
- One of the trees on site is not a sapling as the tree report suggests.
- The scheme represents overdevelopment.
- The scheme is too high and too massive.
- Loss of views out towards the Dedham Vale.
- The rear windows would be very visible from the AONB.
- The scheme will harm the darkness of the AONB.
- The scheme would set a dreadful precedent.
- The development should have bay windows.
- The detailing is wrong and the false pitching door is 'bogus'.
- I live adjacent to the site and support the scheme as it will be far more attractive than the existing situation in terms of design and compatibility of use.
- It will be better than the crumbling repair garage.
- No objection to the redevelopment of the site for a single dwelling.
- No objection to the scale of the proposal but the design should be much improved.

11.0 Parking Provision

11.1 The proposal provides two off street parking spaces in accordance with the adopted SPD.

12.0 Open Space Provisions

12.1 As a single dwelling this scheme raises no public open space issues.

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 Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

The Principle of Development

- 15.1 The site is located within the defined settlement boundary where residential development such as this is acceptable in principle.
- 15.2 As the site has an existing commercial use, the scheme also needs to be assessed in terms of Development Policy DP5 which seeks to protect employment uses.
- 15.3 The scheme has come with a report that sets out the reasons for the proposed demolition and replacement with a dwelling. The application has been supported by a Viability Appraisal and a Planning Statement that sets out the likelihood of a commercial use being viable in this location, taking into account the need for such significant work or rebuild, including the cost of site decontamination. It notes that the unit was for sale for 19 months prior to the applicant's purchase and no interest in a commercial use was received in that time. The applicant's offer was the only one the vendor received.
- 15.4 Both the Viability Appraisal and the Planning Statement conclude that there is little or no reasonable future for a commercial use in this location.
- 15.5 Along with the issue of viability, this is a primarily residential part of Dedham. Retaining or intensifying a B2 use in this location is highly likely to have a material impact on the amenity of surrounding neighbouring properties, some of which are very close to either the site or the access point. Despite the objections received there does not appear to be any groundswell of local support for the retention of a commercial use in this location. On that basis the scheme is held to comply with criterion i to v in DP5.

Paragraph 51 of the NPPF states:

Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial

buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

- 15.6 In this instance there are no strong economic reasons for the retention of the commercial use. On that basis the loss of the employment use is held to be acceptable in this instance.
- 15.7 The appendix to DP5 looks at the possibly for providing a commuted sum to compensate for the loss of employment land. The supporting Planning Statement does not consider it reasonable to require one in this instance and in line with the NPPF and PPG officers agree, particularly when the cost of decontaminating the site has been factored in. This has been estimated by the architect to be between £60,000 and £80,000 but it has the potential to be greater.
- 15.8 Therefore, when considered against the backdrop of the benefits the scheme will provide, in terms of impacts on amenity and benefits to character of the area it is not held to be reasonable to require a commuted sum in this instance.

Design and Layout including impact on the Conservation Area

- 15.9 As set out by the Ward Member Call-in, the Parish Council and the majority of the representations received, the design of the proposal is held to be the key issue.
- 15.10 High quality design is required by The NPPF and PPG. This is carried forward in the development plan though policy DP1 which requires good design throughout the Borough. The bar is set higher in this location due to the Conservation Area location and the Dedham Vale AONB. Policy DP14 requires development in Conservation Areas to meet the legal test of 'preserve or enhance'. Very much in line with this, the Dedham Parish Plan and in particular the Dedham Village Design Statement require the highest quality design. Traditional materials and vernacular designs are encouraged.
- 15.11 As originally submitted, the dwelling with a contemporary flat roofed and zinc clad building. Whilst it had some merit as a building in its own right it was felt by officers that it was inappropriate in this sensitive location. The applicants were also mindful of the neighbouring responses, most of which concurred with this stance.
- 15.12 The applicant's agent met with Council officers and following a discussion went away and produced the amended scheme that is now before members.

- 15.13 The proposal now comprises a dwelling of a similar footprint to the commercial building it replaces. It has an element with low eaves and accommodation into the loft with rear-facing dormers. It also has a taller cross-wing with gable ends. One of these will be visible down the access way. This gable end is punctuated by a false pitching door and a high level window above that. Filling in the L-shape between the two ranges is a more contemporary flat roofed element with roof lights producing a rectangular footprint. The rest of the site will be used for parking and amenity space.
- 15.14 As can be seen in the Major Project Team Manager's response above (which has been reproduced in full due to the sensitivity of this site), the Historic Buildings and Areas Team now supports the scheme. It is held to be appropriate in terms of design, scale and layout. It is an architecturally honest building of a traditional form and will preserve the Conservation Area. It is not held to constitute overdevelopment.
- 15.15 A number of representations stated that they would prefer to see a single storey dwelling on this site. Your Officers consider that a high quality, two-storey approach such as the one that has been proposed is the optimum solution for the site.

Impacts on Neighbouring Properties:

- 15.16 As originally submitted, the dwelling had a large first-floor picture window which had a very unfortunate relationship with the bungalow and garden at Inverell. This overlooking was pointed out to the architects and they have resolved this in the amended scheme. The gable end that faces down the access and toward the garden of Inverell has a false pitching door inserted centrally. This adds some visual interest to the centre of the gable but avoids the direct overlooking to the garden. A small high level window sits above this but due to the height it raises no overlooking issues.
- 15.17 The scheme is held to be acceptable in terms of its relationship to Inverell and is not held to cause materially harmful overbearing or loss of light to this or any other neighbour. Representations have noted that this scheme could cause loss of views, however planning does not seek to protect private views so this does not warrant a refusal. Therefore as amended the scheme is held to be acceptable in terms of its impact on the neighbours.

Amenity Provisions

- 15.18 The dwelling will fill much of the area of the site that is currently taken up by the workshop building. This leaves the majority of the amenity space to the north beyond the parking area. There is also a small but secluded and useable patio area to the west of the building served by the patio doors. The space is in excess of the 100 square metres as set out in DP16 for a four bedroom house.

- 15.19 The precise nature of the amenity space will be dealt with by landscaping condition to ensure that the access-way, car parking and the private amenity space are all laid out successfully. There is sufficient space on site for this to be achieved.
- 15.20 It is noted that there is an easement (for access purposes) that runs along this section of the site from the road to the field behind. The area can be used for parking and for amenity space but no immovable structures can be put across it in case the easement does need to be used.

Landscape and Trees

- 15.21 As the scheme is within the AONB, Development Policy DP22 requires it to make a positive contribution to the special landscape character and qualities of the AONB. It must not adversely affect the the character, quality views and distinctiveness of the AONB and must support the wider objectives of the Dedham Vale AONB Management Plan.
- 15.22 The Council's Landscape Planning Officer originally had concerns with the scheme and with the submitted Landscape and Visual Impact. These were set out to the applicant.
- 15.23 Following this the scheme was amended to the proposal now before Members. An amended Landscape Visual Impact Assessment was also submitted. It concluded that the Landscape Impacts would be 'Negligible' and the Visual Impacts would be 'Insignificant'. It goes on to state that the new dwelling will not be predicted to have a significant impact on the landscape of the Dedham Vale AONB, on residential views or on the amenity of footpath users. It considered the new dwelling to be markedly more attractive than the adjacent buildings and more sympathetic to the residential character of the High Street than the workshop buildings currently on site. Whilst accepting there would be some night time 'glow' from the rear patio doors in particular, it did not consider the scheme to have a materially harmful impact on the darkness of the AONB in the context of the existing village edge.
- 15.24 Following the amended design and amended Visual Impact Assessment, the Landscape Planning Officer has no objections to the scheme subject to a bespoke landscaping condition. On that basis the scheme is held to enhance the ANOB and therefore complies with DP22.

Highway Safety and Parking Provisions, including Cycle Parking

- 15.25 This proposal replaces a lawful commercial use with a single dwelling. On that basis the scheme will not cause a materially harmful impact on the highway network. Two off street parking spaces that accord with the adopted standards will be provided.

- 15.26 The Highway Authority has not objected to the scheme subject to conditions. These will be imposed apart from the requirement for cycle parking which does not meet the 'six tests' as set out in the PPG. Cycles can be stored within the house as is normally the case with individual dwellings. In this location within the settlement limits it would be unreasonable to require external cycle storage.

Ecology:

- 15.27 The scheme has come with a protected species survey. This considered the site and the dilapidated building to be of low value ecologically. No further surveys were suggested.

Land Contamination

- 15.28 As a former garage and associated workshop it is inevitable that the land is question will be contaminated. The scheme has come with a Phase 1 Contamination Report to investigate the level of contamination present on site. The Environment Agency and the Council's in-house Contaminated Land Officer required further details which were then supplied by the consultants as a supplementary report. Both the Environment Agency and the in-house Contaminated Land Officer are now satisfied that, subject to the conditions that Members will find at the end of this report, the site can be successfully decontaminated to be made fit for residential use and to prevent harm to the external water environment.

16.0 Conclusion

- 16.1 To summarise, as amended the replacement of this small industrial use with one sensitively designed dwelling is held to be acceptable in terms of the small loss of employment land and in terms of the design in this sensitive location. An approval is recommended.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1) ZAA - 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) ZAX - *Development to Accord With Approved Plans (qualified)*

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 5051 P02_A, 5051 P04_C, 5051 P05_A, 5051 P06_A and 11471.01 REV B.

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

3) ZBC - Materials To Be Agreed

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

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

4) Z00 – Bespoke Details

None of the elements listed below shall be constructed or installed in the construction of the development hereby permitted until precise details (at a scale of 1:20 or greater) of ridges, verges, eaves, flat roof and fascia, dormers, all windows and doors, pitching door, lintel and sill details, reveals, plinth, flue and extract vent terminals and rainwater goods have been submitted to and approved, in writing, by the Local Planning Authority. Such details as may be approved shall be those used in the development.

Reason: In order to ensure that these details are of a high quality befitting the sensitive Conservation Area location as there are insufficient details within the submitted planning application.

5) Z00 - Archaeological Work

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

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

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

6) Z00 - Bespoke Landscaping

Prior to the first occupation of the development, full details of all landscape works shall be 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;
- Hard surfacing materials;
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- 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.

7) ZFE - 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.

8) Z00 - 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 as shown in the tree report by Land and Sculpture Design Partnership (Ref: LSDP11471.01 Rev B) dated December 2016. 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.

9) ZFS - 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.

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

10) ZFU - 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.

11) Z00 – Arboricultural Supervision

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 8 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:

- 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 ensure the tree protection is installed and maintained during the construction phase in order to protect trees on the site in the interest of visual amenity.

12) Z00 – Access width

Prior to first occupation of the proposed development, the proposed vehicular access shall be reconstructed at right angles to the highway boundary and to a width of 4.2 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

13) Z00 – No unbound materials

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

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

14) Z00 – Closure of old access

Prior to the occupation of the development hereby approved, the applicant shall submit details showing amendments to the existing access (including the dropped kerb) so that it is reduced to a size required for normal domestic use to the satisfaction of the Local Planning Authority. This shall include the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority. All of these amendments shall be in place prior to occupation of the dwelling and shall be retained as such.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and also in the interests of visual amenity in this conservation area setting.

15) Z00 – Provision of Car Parking Spaces

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in the revised drawing. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

16) Z00 – Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

17) Z00 - Bespoke Removal of PD for All Residential Alterations, Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E 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 alterations may be made nor extensions, ancillary buildings or structures be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority. Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance in this sensitive location within the AONB and the Dedham Conservation Area.

18) Z00 – Bespoke Removal Of PD for Walls/Fences and Enclosures

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 apart for those expressly permitted by discharge of the bespoke landscaping condition, shall be erected anywhere on the site.

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

19) 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.

20) 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.

21) 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.

22) 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 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, 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 21.

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.

23) 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 22.

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.

24) Z00 – Bespoke Drainage Design

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of the water environment (particularly the Secondary A and Principal aquifers, Source Protection Zone 1, River Stour and EU Water Framework Directive Drinking Water Protected Area) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

25) Z00 - Bespoke Foundation Design

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality. For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

26) Z00 – Bespoke EA contamination condition

No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly the Secondary A and Principal aquifers, Source Protection Zone 1, River Stour and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

27) Z00 – Bespoke EA contamination condition

No occupation of the dwelling shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly the Secondary A and Principal aquifers, Source Protection Zone 1, River Stour and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National

Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

28) Z00 – Bespoke EA contamination condition

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of the water environment (particularly the Secondary A and Principal aquifers, Source Protection Zone 1, River Stour and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

29) Z00 – Bespoke EA contamination condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly the Secondary A and Principal aquifers, Source Protection Zone 1, River Stour and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

30) Z00 – Ecology

No work shall be carried out on site except in complete accordance with the details set out in section 4 (Assessment and Recommendations) of the submitted ecology report.

Reason: In the interests of ecology.

18.0 Informatives

18.1 The following informatives are also recommended:

(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) 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) ZTB - Informative on Any Application With a Site Notice

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.

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B @ <http://www.colchester.gov.uk/article/13592/Landscape-Guidance-for-Developers>.

(4) NOTE: Demolition and Construction

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.

(5) Informative on Archaeology:

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

(6)Highways informative: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by

email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester CO4 9YQ.