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Item No: 7.2

Application: 172057

Applicant: Mr Cock

Agent: Mr Robert Pomery

Proposal: Erection of 8 no. Houses and 2 no. Chalet Bungalows

Location: former M & F Watts, Parsons Heath, Colchester, CO4 3HT

Ward: St Anne's & St John's

Officer: Ishita Sheth

Recommendation: To delegate authority for APPROVAL of planning permission subject to there being no unresolvable objection from UK Power Networks. In the event that UK Power Networks raises an objection that cannot be overcome via officer negotiation or condition(s), to delegate authority to the Head of Service to refuse the application.

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issues for consideration are the design and layout, highway matters including traffic generation and parking provision and neighbour amenity.
- 2.2 The application is subsequently recommended for a conditional planning permission subject to no objections being received from UK Power Networks.

3.0 Site Description and Context

- 3.1 The application site measures approximately 0.24 hectares and is located east of the A137 at Parsons Heath. Historically, the site was in use as a car sales and body shop operated by M&F Watts. The site has been vacant for approximately 11 years however. Until recently, the site contained two industrial buildings, which have since been demolished. The remaining site is hard surfaced and previously used for storing and displaying used cars for sale.
- 3.2 The site has a long frontage on to the highway of some 66 metres. The site contains no trees or vegetation.
- 3.3 To the north and east, the site is bounded by housing. To the south is a small commercial building and beyond that, residential properties. Also to the south is a compound containing an electricity sub-station. To the west, over the A137 are residential properties.

4.0 Description of the Proposal

- 4.1 The application scheme comprises eight houses in two terraces onto Parsons Heath. Five of the houses are three bed units and four are two bed and all are two storeys. To the rear of the site are two chalet bungalows at 1.5 storeys, these properties have three bedrooms.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 071866 - Construction of 22no. 2 bedroom flats and associated car parking, refuse and cycle stores. Refused in October 2007.

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
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- ENV1 - Environment

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
- 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

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

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Backland and Infill
- Affordable Housing
- Community Facilities
- Open Space, Sport and Recreation

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 Contaminated Land Officer - Based on the information provided, it would appear that the site could be made suitable for the proposed use, with potential contamination matters dealt with by way of planning conditions. Consequently, should permission be approved for this application, Environmental Protection would recommend inclusion of conditions and informatives – **officer note: these have all been included in the list of conditions at the end of the report**
- 8.3 Environmental Protection Services – Recommends the conditions – **officer note: these have all been included in the list of conditions at the end of the report**
- 8.4 SUDS Authority – No objection subject to conditions - **officer note: these have all been included in the list of conditions at the end of the report**
- 8.5 Anglian Water – No objection subject to condition and informative - **officer note: these have all been included in the list of conditions at the end of the report**
- 8.6 Natural England – No comment to make
- 8.7 Landscape Officer – No objection subject to condition - **officer note: these have all been included in the list of conditions at the end of the report**
- 8.8 Archaeological Officer - 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.
- 8.9 Urban Designer - Revised proposals address my (*original*) comments and therefore I'm more than happy to support the scheme. Key building and landscape materials and details should be conditioned to be in accordance with the Essex Design Guide and Colchester's External Materials Guide SPD with samples submitted as appropriate, including local-type stock brick; natural clay, slate or (fibre cement) slate-effect tiles (not concrete as proposed); paved surfaces (see above), natural timber (not uPVC as proposed) exposed carpentry except windows (e.g. barge boards, soffits, fascias, finials), roof features (stacks), window design, eaves (not boxed – see EDG, 106), front boundary treatments, and 100mm min. reveals to masonry walls (EDG, p.198).
- 8.10 Highway Authority – From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions - **officer note: these have all been included in the list of conditions at the end of the report**

9.0 Parish Council Response

9.1 N/A

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.

- Issues in respect of visibility and therefore safety from the hoardings
- The close proximity of the proposed house (Plot 10) on their boundary/back garden fence
- Overlooking issues
- Privacy Issues
- Noise issues
- Inadequate parking provision
- Will there be a provision of double yellow lines to prevent residents parking outside
- What will prevent residents parking in the doctor's surgery parking area
- Entrance to the development opposite the busy turning to Parsons Heath, this will be dangerous
- Highway safety issues
- The road is already congested
- Would like to know what the council / highways will be implementing to ensure the continual road safety, traffic flow and appropriate parking arrangements when it is clear the allocated spaces will be insufficient to meet the new residents' needs
- The site at the moment is an eyesore and that a LIMITED housing development would be appropriate - certainly no more than are proposed - and ideally two properties less.
- Drainage infrastructure not adequate
- Maintenance issues for their premises

10.2 Comments on the consultation responses are as follows:

- Parking by members of public in the doctor's surgery car park is not something the Planning Authority can control.
- Drainage infrastructure is dealt with by the relevant statutory body.
- Maintenance issues at a party wall boundary is a civil matter and covered under the Party Wall Act.
- Provision of double yellow lines is a matter dealt by the Highway Authority.
- Other relevant planning matters are discussed in the evaluation section.

11.0 Parking Provision

11.1 The proposal results in implications for parking provision; these are discussed in the evaluation section.

12.0 Open Space Provisions

12.1 There are no implications in respect of Open Space provisions

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 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 The site is located within the settlement boundary within a residential area and a highly sustainable location, where residential development is acceptable in principle. However, an assessment must be made on the proposed development in respect of other implications as set out below.

Design and Layout

15.2 Core Strategy Policy UR2 states that the Borough Council will promote and secure high quality and inclusive design in all developments to make better places for both residents and visitors. Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported while Development Policy DP1 requires all development to be designed to a high standard, avoid unacceptable impacts on public and residential amenity, and demonstrate social, economic and environmental sustainability. This is consistent with national guidance in the form of the NPPF and PPG; which attach great importance to the design of the built environment. “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” (NPPF).

15.3 Consideration also needs to be given to the Council’s adopted Supplementary Planning Document (SPD) ‘Backland and Infill’ which states that ‘all infill development should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height, form, materials, fenestration and architectural details of its neighbours. This is important in reinforcing local character and ensuring the context of the street scene is not adversely affected’. However, whilst the SPD asks for new development to reinforce the character and

appearance of the existing area, Policy H3 of the Core Strategy states that housing should be diverse.

- 15.4 The application proposes an infill development of 10 dwellings comprising of 8 terraced dwellings fronting Parsons Heath and two chalets to the rear. The site is located in a prominent position within the street, at the junction of St. John's Road and Parsons Heath. The layout of the properties is influenced by the need to provide a strong road frontage and also to maximise the utilisation of this "L-shaped" site. The character of the area in vicinity of the application site is very mixed. The proposed development of terraces fronting Parsons Heath would provide a strong frontage and would be a significant improvement to the existing appearance of the application site. It would result in an enhancement to the appearance of the streetscene/area and would be more in keeping with adjacent predominantly residential properties.
- 15.5 The proposal includes adequate private amenity space to accord with the requirements of adopted policy. The gardens each meet policy requirement. However, it may be necessary to use conditions to control the siting of any outbuildings towards the rear of the site, due to the substation, although this is more from a health and safety angle than any spatial consideration.
- 15.6 It is also considered prudent to control some matters, such as the materials and architectural detailing by condition to ensure that these are delivered as expected; and therefore complement the proposed composition. Overall though, it is considered that the design and layout of the proposed development conforms to the aforementioned development plan policies and the guidance set out in the NPPF.

Residential Amenity

- 15.7 Development Plan Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.8 The 'Backland and Infill Development' SPD states that access by vehicles or pedestrians should not cause an adverse impact on the amenity of the adjacent residents these impacts can include noise, vibration, impacts on road safety and visual impacts. Access arrangements that will result in significant nuisance to the residents of adjacent dwellings or cause problems of safety to road users will be resisted. The SPD requires the provision of a minimum of a 3m protection zone on either side of accesses to backland development.

- 15.9 Concerns have been raised by neighbouring residents in respect of overlooking, privacy and noise issues (from proximity of the development to their property) and the application site is surrounded by residential properties on three sides. To the west, the relationship between properties is front to front, separated by a road; there are no amenity issues likely to result from this relationship. The site's relationship with the commercial properties to the south pose no amenity issues. To the north and east there are residential properties close to the site boundary. It is noted that the most immediate neighbouring properties contain no first floor windows, which might directly overlook the site. None of the proposed dwellings have first floor windows that would overlook any neighbouring properties. The dwelling at Plot 8, adjacent to No. 41 Parsons Heath, would maintain an acceptable relationship with this neighbouring dwelling and would not result in any amenity issues.
- 15.10 The proposed dwelling at Plot 10 is located in in close proximity to the eastern boundary and the neighbouring site at No. 32 Roach Vale. The proposed dwelling would stretch for some 4m along the party wall boundary and the proposed suppressed gabled roof would slope away from the boundary above a height of 4.3m. This would have limited impact in respect of dominance from the garden of No. 42 Roach Vale. Taking into consideration the orientation, the proposed dwelling at Plot 10 would also result in limited overshadowing of the garden in the evenings. However, both matters are within acceptable tolerances.
- 15.11 Given the site specific circumstances and the design of the proposed development, it is considered that the proposed development would not result in any materially harmful impacts with regards to overbearing impacts, overshadowing, loss of light or loss of privacy to neighbouring occupiers. On this basis, it is concluded that the proposed development would not result in any materially harmful impacts on neighbouring amenities, thus complying with the afore-mentioned policy.

Access, Parking and Highway Safety

- 15.12 The proposal provides adequate car parking for the proposed dwellings. 2 visitor car parking spaces have also been provided. Whilst this is less than the required 2.5 visitor spaces, it is noted that the site is located in a sustainable location with access via public transport (and it is impossible to provide half a space). It is not considered that a refusal on the basis of a shortfall of 0.5 visitor spaces could be successfully sustained on appeal, when taking all matters into account and balancing them up. It should be also noted that the Highway Authority has raised no objection to the proposal on this basis and would not offer defence for a refusal. Subject to a condition requiring the retention of the parking spaces for parking purposes, which is essential to protect this necessary level of parking, no objection is raised in respect of parking provision.

- 15.13 Concerns have also been raised by neighbouring residents in respect of safety issues at the junction of access. However, the Highway Authority has not raised any concerns in respect of this matter. Subject to conditions, the Highway Authority raises no objection to the scheme. Although it is in close proximity to a roundabout this slows traffic, whilst visibility can be achieved in both directions; offering safe entrance and exit from the site.

Contamination

- 15.14 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The support text to this policy notes that Colchester's approach to dealing with the development of land that could be contaminated is set out in 'Land Affected by Contamination: Technical Guidance for Applicants and Developers, 2nd Edition'.
- 15.15 A Phase 1 Desk Study and Preliminary Risk Assessment has been submitted. The Contamination Officer has no objections to the proposal subject to conditions.

Drainage and Flood Risk Assessment

- 15.16 The application site is not located within a Flood Zone and as such there is little to no risk of flooding. However, as this is a major application ECC SUDs (Sustainable Urban Drainage systems) team are consulted regarding SUDs and surface water drainage. The SUDS Authority have no objection to the scheme subject to conditions which have been included in the recommendation below.

Refuse and Recycling

- 15.17 Policy DP12 requires the provision of an accessible bin and recycling storage area. Whilst the properties fronting Parsons Heath would have roadside refuse collection, those further into the site would not. A refuse store has been proposed to the rear of Plot 3 for the dwellings at Plot 9 and 10. This is considered to be acceptable, and meets the carry distances. However, details of the bin store would need to be provided to ensure it has a satisfactory finish. A condition can be attached to any consent granted to provide appropriate details of the refuse/recycling bin area.

Contributions

- 15.18 At 10 residential units, the site falls below local and national requirements for Affordable housing provision, which was redefined in recent years by central Government. No other contributions have been required to be provided by individual stakeholders when this application discussed at the Development Team Meeting. There are highway improvements, but these are being delivered without the need for any s106 agreement.

Other Matters

- 15.19 A sub-station is located to the rear of the site. The UK Power Networks has been consulted and their comments are awaited.

16.0 Conclusion

- 16.1 This is a brownfield site in a sustainable location and the principle of development is therefore acceptable, and meets the requirement to make the most efficient use of land. The proposed new dwellings are of a good design and scale with a traditional local character integrating it well into its surroundings, thereby providing a sense of place characteristic of the area. It is therefore concluded that the proposed development represents an acceptable form of development for this site and does not compromise the character and appearance of the wider area, neighbouring amenities or highway safety or efficiency to such a degree that would warrant a refusal.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

To delegate authority for APPROVAL of planning permission subject to there being no unresolvable objection from UK Power Networks. In the event that UK Power Networks raises an objection that cannot be overcome via officer negotiation or condition(s), to delegate authority to the Head of Service to refuse the application. The Permission will also be subject to the following conditions:

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. 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 6410 -1105 Rev B, 6410-1106 Rev D, 6410-1203 Rev A, 6410-1204 Rev A, 6410- 1205 Rev A, 6410-1206 Rev A, 6410-1301 Rev A, 6410-1302 Rev A, 6410-1303 Rev A and 6410-1304 Rev A. .

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

3. Non Standard Condition – Windows and Doors Inset

All windows and doors in masonry walls must be inset at least 100mm and shall be fitted with sub-cills.

Reason: There is insufficient information provided in the submission to guarantee this key detail.

4. Non Standard Condition – Details of materials

Details of all facing, roofing and external materials to be used (including bricks, pavers, tiles, gable to canopy and barge boards) shall be submitted to and approved by the Local Planning Authority prior to their use in the construction. The development must be then carried out in complete accordance with the approved details.

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

5. Non Standard Condition – Details of windows

Notwithstanding the submitted details, all exposed carpentry except windows (e.g. barge boards, soffits, fascias, finials), roof features (stacks), window design, eaves) shall be made from natural timber.

Reason: In order to ensure that suitable materials are used on the development.

6. Non Standard Condition - Eaves Detail

Eaves to all roofs shall be open with exposed rafter feet rather than boxed.

Reason: There is insufficient information provided in the submission to guarantee this key detail.

7. Non Standard Condition – Plumbing

All soil and waste plumbing shall be run internally and shall not be visible on the exterior. All rainwater shall be finished in black.

Reason: There is insufficient information provided in the submission to guarantee this key detail.

8. ZBF Surfacing materials to be agreed

Prior to the laying down of any surface materials for private, non- adoptable access-ways, driveways, footpaths, courtyards, parking areas and forecourts, full details of these materials shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and such details are considered important to the character of the area.

9. Non Standard condition - Landscaping

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

Proposed finished levels or contours;

Means of enclosure;

Front boundary treatment;

Car parking layouts;

Other vehicle and pedestrian access and circulation areas;

Hard surfacing materials;

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);

Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.);

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.

10. Non Standard Condition - Implementation and Monitoring Programme required for Landscape

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

11. Non Standard condition - Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

12. Non Standard condition – Foul Water Strategy

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

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

13. Non Standard condition - SUDS

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to at least 50% betterment of the existing run off rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

14. Non Standard condition - SUDS

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason:

- The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.
- Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.
- Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

15. Non Standard Condition - SUDS

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

- To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.
- Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

16. Non Standard condition - SUDS

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

17.ZCE - Refuse and Recycling Facilities

Details for the refuse and recycling facilities for the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The approved scheme must be installed on site prior to the first occupation of the development and permanently retained thereafter.

Reason: To ensure appropriate provision of refuse and recycling facilities.

18.ZDA - *General Removal of Residential PD Under Schedule 2 Part 1*

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

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 27, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 28, 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 29.

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 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 27.

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.ZGK - *External Noise*

Prior to the commencement of development, a noise survey for proposed residential properties that are in the vicinity of the road shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions given below:

Dwellings indoors in daytime: 35 dB LAeq, 16 hours

Outdoor living area in day time: 55 dB LAeq, 16 hours

Inside bedrooms at night-time: 30 dB LAeq, 8 hours (45 dB LAmax)

Outside bedrooms at night-time: 45 dB LAeq, 8 hours (60 dB LAmax)

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY/SPECIFY building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

25.ZPD - Limits to Hours of Work

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

Weekdays: 8am and 6pm

Saturdays: 8am and 1pm

Sundays and Bank Holidays: Not at All

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

26.ZPF - Limits to Peak Hours Construction Traffic

No construction worker vehicle movements or any deliveries to or from the site shall take place during the peak traffic hours from 07:30 – 09:00 or from 14:30 – 16:00 on weekdays.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the existing levels of traffic already reaching high peak levels during these times because of the close proximity to Roach Vale Primary School and Parsons Heath C of E Primary School.

27. Non Standard Condition – Highways

Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 6.0m for at least the first 6m. within the site tapering one-sided over the next 6m. to any lesser width 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 all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

28.Non Standard condition – Highways

Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 6.0m for at least the first 6m. within the site tapering one-sided over the next 6m. to any lesser width 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 all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

29. Non Standard Condition – Highways

Prior to the proposed access being brought into use, minimum vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

30. Non Standard Condition – Highways

Prior to the proposed access on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

31. Non Standard condition – Highways

Prior to first occupation of the proposed development, a recycling/bin/refuse collection point shall be provided within 20m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

32. Non Standard Condition – Highways

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

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

33. Non Standard Condition – Highways

Prior to occupation of the proposed development, details showing the proposed means of preventing the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

34. Non Standard Condition – Highways

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 Drawing Numbered 6410-1106-REV B. 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 thereafter. Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

35. Non Standard Condition – Highways

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

36. Non Standard condition – Highways

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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

37. Non Standard Condition – Highways

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

38.Z00 – Highways

Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage shall be extended to a minimum of 2.0m in width and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

39. Non Standard Condition – Highways

Prior to the first occupation of any of the proposed dwellings the existing bus stop in the vicinity of the proposed vehicular access shall be relocated to the southern end of the site to the boundary with Number 39a Parsons Heath and the proposed Plot 1 including the provision of level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

18.1 Informatives

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. INS - Land Contamination Informative

The required additional assessment of risks must include a site walkover and consideration of risks from the adjacent electricity substation.

Reason – insufficient information was provided in the submitted information and Environmental Protection wish 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. Responsibility for securing a safe development rests with the developer and/or landowner.

3. Landscape Informative

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/C @

<http://www.colchester.gov.uk/article/13592/Landscape-Guidance-for-Developers>.

4. Anglian Water Informative

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

5. Highway Authority 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.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

6. 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.

7. 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.