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Item No: 7.1

Application: 182220

Applicant: Mersea Homes And Hills Residential

Agent: Kevin Coleman, Phase 2 Planning & Development Ltd

Proposal: Part detailed/part outline planning permission for up to 420 residential units, with associated access, parking, servicing, open space and amenity space, landscaping, and utilities (details for means of vehicular access to the site only).

Location: Fiveways Fruit Farm, Heath Road, Stanway, Colchester, CO3 0QR

Ward: Stanway

Officer: Sue Jackson

Recommendation: Approval subject to signing of a Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it constitutes major development where a section 106 legal agreement is required and also because objections have been received.

2.0 Synopsis

- 2.1 This is a hybrid application that seeks both outline and full planning permission for the development of the Fiveways Fruit Farm site in Stanway. Outline permission is sought to establish the principle of residential development and full permission for vehicular access. The report describes the site and its setting, details of the application, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.2 The key issues explored below are the principle of development and the proposed vehicular access in particular the works proposed to the existing Fiveways junction. Other material considerations are also assessed including the requirement for an agreed masterplan/design and access document/design codes prior to the submission of the reserved matters applications.
- 2.3 Following an assessment of all material planning considerations the application is subsequently recommended for approval subject to prior completion of a legal agreement.

3.0 Site Description and Context

- 3.1 The application site lies south east of Dyers Road on the southern side of Stanway. The site has an area of 17.1 hectares and has been in use as a fruit farm and nursery.
- 3.2 The site is generally flat with a gentle fall from north east to south west. There are a number of mature trees and some vegetation on the site and along the boundaries. The main group of trees is next to the Dyers Road access, there are also some poor quality hedgerows which delineate original field boundaries. There is a hedgerow to the south of Dyers Road. Within the site Alder trees have been planted in rows to act as a buffer to adverse weather.
- 3.3 The majority of the site is used as a growing area; either open air (apples, plums, asparagus, Christmas trees) or beneath polytunnels (strawberries, raspberries, blueberries) and is divided by unsurfaced tracks giving access for management and harvest. Within the northern corner of the site close to the main Fiveways junction is a farm yard with a vehicular access onto Heath Road. The farm yard consists of concrete hard standing surrounding the farm house and ancillary buildings including cold stores, a fruit packing area, a machine store/workshop, general storage buildings and a farm shop. The site also includes two irrigation reservoirs.

- 3.4 The main vehicular access to the site is via Heath Road with a secondary farm access along Dyers Road to the south west providing access to the fields.
- 3.5 The site is roughly triangular in shape with the north apex abutting the Fiveways junction. The east boundary extends along Heath Road in part fronting this road and in part extending behind the rear gardens of existing properties. The NW boundary fronts Dyers Road whilst to the south is a large area of active mineral extraction. Part of the east boundary also abuts the scheduled monument of Grymes Dyke comprising a substantial linear earthworks associated with the defended settlement or “oppida” of Camulodunum.
- 3.6 Heath Road is a narrow road serving residential properties and leading to Stanway Green and Grymes Dyke. There is residential development in depth on the west side of Dyers Road. Planning permission has recently been granted for residential development on three sites on the west side of Dyers Road; one where development is nearing completion and two where development is about to commence. The east side of Dyers Road has a scatter of dwellings.
- 3.7 The existing highway network is described in the following terms “To the north of the site are Winstree Road, Blackberry Road and Peartree Road, all through roads and all on a bus route. Winstree Road provides access to residential areas and several schools including Stanway Fiveways County Primary School, The Stanway School and Stanway Primary School. Blackberry Road provides access to residential areas and a local shopping centre. Peartree Road is predominantly in commercial use and contains a number of retail stores.
- 3.8 The “Fiveways” junction comprises the Blackberry Road / Peartree Road / Winstree Road / Heath Road crossroads junction and the Dyers Road / Blackberry Road priority junction.
- 3.9 Blackberry Road follows an east – west alignment to the north of the site between the double mini-roundabout junction of Warren Lane / Villa Road / Church Lane to the west and the priority crossroad Fiveways junction around 20m east of the junction with Dyers Road. To the east of the Fiveways junction, Blackberry Road changes its name to Peartree Road and then Dugard Avenue and forms a mini-roundabout junction with Straight Road at its eastern end.
- 3.10 Heath Road follows a north- south alignment to the east of the site and serves Stanway Green at its southern end. Heath Road forms the southern arm of the Fiveways crossroads junction at its northern end. Winstree Road becomes Chapel Road at its northern end and forms a priority junction with Villa Road around 60m south of the Villa Road / London Road mini-roundabout. It is subject to traffic calming measures in the form of speed cushions at regular intervals”.

4.0 Description of the Proposal

- 4.1 This is a hybrid application (outline and full elements) and seeks outline planning permission with all matters reserved for the erection of up to 420 dwellings, full planning permission is sought for the access points. The access points proposed are:
1. Revisions to the current Fiveways junction. The existing junction will be replaced by a new four arm roundabout. One of the arms of the roundabout will form the northern end of the new spine road serving the residential site. Revised connections to Dyers Road and Heath Road are also proposed, the northern end of Dyers Road is realigned to form a priority junction with the proposed spine road. Heath Road is also realigned at its northern end to join the proposed spine road; a small length of Heath Road at its northern extremity will be modified to a shared surface serving two properties. Blackberry Road, Peartree Road and Winstree Road will form the western, eastern and northern arms of the roundabout respectively.
 2. The southern end of the spine road serving the residential site. Recent planning permissions for residential development on the west side of Dyers Road include part of the new spine road and will provide a link to the roundabout on Warren lane and the Stanway Bypass. When the spine road is provided then Dyers Road will be stopped up to through traffic.
 3. The creation of three shared private drives onto Dyers Road to serve up to 15 dwellings.
- 4.2 Following the original submission, at the request of the Highway Authority, revised drawings have been submitted showing minor amendments to the design of roundabout together with additional drawings showing the swept paths for vehicles. For clarity the amendments include;
- a) Drawing showing a swept path for a refuse vehicle accessing all the properties affected by the works in Heath Road
 - b) Drawing showing a swept path for two large cars meeting at the new junction between the old and new sections of Heath Road
 - c) Removing the raised table within the old section of Heath Road
 - d) Relocating the 3.5 metre wide footpath/cycleway by widening the existing footway between the end of the old section of Heath Road and the roundabout
 - e) Moving the roundabout further south-west to achieve the minimum 20 metres required between the proposed crossing in Peartree Road and the roundabout circulatory carriageway
 - f) The proposed zebra crossing in Peartree Road amended to a toucan crossing
 - g) Relocating the raised table in Winstree Road so as to be a minimum 6 metres from the roundabout circulatory carriageway
 - h) Widening the footway along west side of the proposed spine road between Dyers Road and the roundabout to a minimum 3.5 metre wide footway/cycleway to enable cyclists to cross using the splitter island

The supporting information states “the reason that the vehicular access proposals are provided in detail is to create certainty over the means of access for both the local community and the applicants alike, and so that any concerns regarding the accessing of the site can be dealt with at this stage rather than deferred for future consideration”.

4.4 In addition to the plans and drawings detailing the proposal, supporting documents include:

- Land Use Parameter Plan
- Access and Movement Parameter Plan
- Dyers Road Private Driveway Locations
- Dyers Road/Blackberry Road/Heath Road Junction Proposals (proposed Fiveways roundabout)
- Dyers Road Spine Road Access Proposal
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Archaeological Evaluation
- Design and Access Statement
- Ecological Assessment
- Flood Risk Assessment
- Phase 1 Ge-Environmental Desk Study
- Geo-Technical and Geo-Environmental Site Investigation Report
- Planning Statement (Including Health Impact Assessment)
- Transport Assessment
- Travel Plan

5.0 Land Use Allocation

5.1 The site is allocated for residential purposes in Site Allocations policy SA STA1 Appropriate Uses within the Stanway Growth Area in the Adopted Local Plan. This allocation is carried forward in the Emerging Local Plan Policy WC2.

6.0 Relevant Planning History

6.1 The planning site history all relates to the use of the site as a fruit farm. However the following applications for residential development on the west side of Dyers Road are relevant as they include the spine road link to Warren Lane/Stanway Bypass.

152826 - Full planning permission for the development of the site for 93 dwellings, public open space, landscaping, access and car parking. This application includes the section of the spine road from the roundabout with the Stanway Bypass to the boundary with application 180873. Approved 21 December 2016

180873 - Erection of 57 residential properties with associated parking, servicing, amenity space, landscaping and utilities. This application includes a section of the spine road from Dyers Road to the boundary with application 152826. Approved 29 March 2019.

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
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- H1 - Housing Delivery
- H4 - Affordable Housing
- PR1 - Open Space
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- 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:

- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP14 Historic Environment Assets
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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:

- SA H1 Housing Allocations
- SA STA1 Appropriate Uses within the Stanway Growth Area
- SA STA2 Phasing of Greenfield sites in Stanway Growth Area
- SA STA3 Employment and Retail Uses in Stanway Growth Area
- SA STA4 Transportation in Stanway Growth Area

7.5 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

Policy SG1: Colchester's Spatial Strategy

Policy SG2: Housing Delivery

Policy SG8: Developer Contributions and Community Infrastructure Levy

Policy ENV1: Natural Environment Policy NC3:

Policy WC2: Stanway

Policy DM2: Community Facilities

Policy DM8: Affordable Housing

Policy DM16: Historic Environment Policy DM18: Provision for Public Open Space

Policy DM20: Promoting Sustainable Transport and Changing Travel Behaviour

Policy DM21: Sustainable Access to Development

Policy DM23: Flood Risk and Water Management

Policy DM24: Sustainable Urban Drainage Systems

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

Affordable Housing

Community Facilities

Open Space, Sport and Recreation

Cycling Delivery Strategy

Sustainable Drainage Systems Design Guide

Managing Archaeology in Development.

ECC's Development & Public Rights of Way

Planning Out Crime

Stanway Joint Design Statement and Parish Plan

Stanway Southern Sites Access Development Brief (2013)

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 Environmental Protection

Should planning permission be granted Environmental Protection wish to make the following comments no objection subject to conditions

8.3 Essex Bat Group

As a small charity, we are unable to comment on how particular schemes may affect the local bat population or on individual ecological survey reports but we can offer some general advice on the planning process and how development may affect bats. Due to declining populations, bats and their roosts are protected by law throughout the UK, whether occupied or not. It is illegal to damage, destroy or disturb any bats or roosts without having taken the necessary precautions.

A roost is defined as any place that a wild bat uses for shelter or protection, and the roost is protected whether bats are present in it or not.

There is also government planning policy and guidance for protected species, which stipulates that the presence of bats be considered as a material consideration when a planning application is submitted. If bats are discovered after planning permission is granted, the planning permission is considered sterile and the developer must apply for a licence before undertaking any work which may disturb the bats. If bats are present on a site, it is the developer's duty to ascertain the impacts of the proposal on protected species and to ensure that bats are not affected by the development.

Specific factors which can have a significant impact on bats to consider as part of a development include: lighting, the removal of surrounding vegetation, noise, and the changing of internal temperature.

8.4 Contaminated Land Officer

The reports have been reviewed they describe the intrusive investigations carried out with respect to the potential sources of contamination and conclude that, generally across the site, the soils will not pose a significant risk to human health. However, localised areas of some contaminants of potential concern were identified, especially in made ground adjacent to the barn and beneath the farm yard, and at the tank located at the southern end of the site. However, the report advises that this conclusion is based on the results of a limited sampling set, not all of the site was accessible due to the presence of existing buildings and site activities, and the proposed layout of the site is not known. It has therefore been recommended that further investigation should be undertaken following suspension of farm activities or immediately following demolition of the buildings, to provide a better understanding of the contaminant distribution and the levels of risk that the contamination poses to human health.

The applicant should be advised that care must be taken to ensure that appropriate asbestos surveys have been undertaken prior to demolition, with any identified relevant material safely removed and disposed of off-site, in accordance with all duties and obligations, to ensure that no new pathways are created. Environmental Protection will expect the verification reporting to include sufficient information to show that this has been satisfactorily carried out.

The need to appropriately decommission and remove all underground and above ground storage tanks, followed by validation of the resulting excavations is noted.

Environmental Protection will expect the verification reporting to include sufficient information to show that this has been satisfactorily carried out.

The identification of the on-site, active groundwater abstraction well is noted. The applicant's attention is drawn to the recommended requirement for this to be appropriately decommissioned: the Environment Agency's advice should be sought with respect to this matter. Environmental Protection will expect the verification reporting to include sufficient information to show that this has been satisfactorily carried out.

As recommended in the reporting, the applicant should be advised to confirm the specification of all underground services with the relevant provider.

No unacceptable risks to controlled waters or from ground gases has been identified.

Some initial suggestions for remedial options have been outlined. As the report acknowledges, the final scope of any remediation will need to be assessed following the satisfactory completion of the proposed additional site investigations and resultant revised risks assessments.

The reports are acceptable for Environmental Protection's purposes. Based on the information provided, the conclusions would seem reasonable and it would appear that this site could be made suitable for the proposed use, with the remaining matters dealt with by way of planning condition.

8.5 English Heritage

The proposed development is in close proximity to a number of Late Iron Age and Romano-British scheduled monuments and is located in an area of archaeological sensitivity. The site has been subject to a degree of archaeological evaluation which has identified buried archaeological remains dating back to the Iron Age and Roman periods. The harm which would be caused to the significance of these non-designated heritage assets should be refined by further evaluation and mitigated by conditions to allow for the implementation of a programme of archaeological investigation secured by a planning condition (NPPF paras 189,199)

The proposed development would not directly affect the adjacent scheduled monument- Gosbecks Iron Age and Romano-British site, the western boundary of which is formed by Grymes Dyke, one of the substantial linear earthworks associated with the defended settlement or “oppida” of Camulodunum. Given that the proposals would introduce a large quantum of built development to the west of the dyke at this juncture, we advise that a degree of erosion to the landscape setting of the dyke would be caused which would result in some harm to the significance of the scheduled monument. However, we consider that there is scope for this harm to be mitigated through the master-planning process by the creation of public open space /landscape buffer to the west of the dyke. Were these measures to be secured, we advise that the scheme would meet the aims and objectives of the NPPF in respect of the historic environment (para 192,194,196).

8.6 CBC Archaeologist

This large application area adjoins a Designated Heritage Asset, a Scheduled Monument – Gryme’s Dyke at Stanway Green (NHLE no. 1019992) which conjoins Gosbecks Iron Age and Romano-British Site (NHLE no. 1002180). In terms of the indirect impact on this designated heritage asset, an assessment of the significance of the heritage asset is required, an assessment of the contribution that the setting makes to the significance of the heritage asset, together with an assessment of the impact of the proposed development on the setting of the heritage asset (in accordance with NPPF paras. 188-189 and Historic England’s Good Practice in Planning Advice Note 3, The Setting of Heritage Assets, and Policy DP14 of the Local Plan). In accordance with para. 194 of the NPPF, any harm to the setting of the designated heritage asset should require ‘clear and convincing justification’. I would advise that the south-east part of the proposed development site, adjacent to the designated heritage asset, is (re-) allocated as an area of public open space in the land use parameter plan, which will enhance the setting of the heritage asset.

In terms of below-ground heritage assets (i.e. archaeological remains) a pre-determination trial-trenched evaluation has been undertaken by Colchester Archaeological Trust and the report on this work has been submitted with the application (CAT Report 1082, May 2017). Based on the findings of the evaluation, 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 199), 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.

An archaeological condition is recommended:

8.7 North East Essex Badger Group

This is once again a huge development alongside Dyers Road, which will virtually destroy all the open farmland in the vicinity, making it impossible for the resident wildlife to survive. I have read the Ecological Report and would like to point out that there is a large, well established badger sett almost adjacent to this proposed development. It has been there for many years and whilst it appears the building work should not infringe on any actual sett, they certainly forage on and cross the intended building land every night. The short-term danger will be badgers falling into excavation workings, footings etc. and be unable to exit. Therefore it is important mitigation measures are put into place should this development go ahead. Apart from that we would point out that the badgers are very used to the freedom of their location and as such will no doubt continue to cross the land and possibly become a nuisance with regard to domestic landscaping.

There has been a great deal of development along this area recently, displacing wildlife and although "wildlife" corridors are mentioned - they are useless to wildlife if they only lead onto a road and another housing estate. It really is time to leave the remaining green spaces exactly as they are.

The applicants ecologist has submitted the following response to comments made by North East Essex Badger Group.

"Firstly, we should point out that the site has been surveyed for all potential wildlife groups – badgers, bats, amphibians etc. – in full to recommended guidelines. Any ecological design constraint was identified in the report and highlighted for inclusion in the subsequent Ecological design specification/management plan.

The principal conclusions/mitigation measures from that report were:

- Apart from localised access, the perimeter hedgerow/tree lines and central green oak corridor are to be retained, enhanced and increased – which will protect these key avian areas. There will be some loss of avian habitat away from the hedges/treelines/corridors and it will be essential that any central tree/vegetation removal is completed between September and February inclusive to ensure no nesting birds are disturbed;*
- A post approval ecological design and management plan will be produced by applicants to protect and enhance biodiversity – including avian fauna across and through the wider site.*

Turning specifically to badgers, the badger survey identified that there was a localised small amount of badgers foraging on the site – but determined that NO sett was present within the proposed development area. The response from NEEBG confirms that there is no sett on the site and that the proposed development will not infringe upon any off-site sett. We identified that there were two setts to the west beyond Dyers Road in and adjacent to the woodland area that would not be impacted upon by this proposed development. We further identified a fox earth within the Dyers Road boundary hedge that would be monitored. The small amount foraging field sign is not synonymous with significant badger activity on the site. NEEBG raise concerns about construction impacts and badgers falling into excavations etc. and being unable to escape – the ecological management plan will include information with regard to the use of laddered scaffold boards left in any excavation that

cannot be enclosed over night to ensure any badger within can exit. Where possible, excavations will have exit points created where the excavation corner will be pulled out to make it less acute and easily traversed by any badger. Badgers from off-site may venture into the gardens of the new properties – and associated ecological green space created as part of the proposed development – as do numerous birds, foxes, frogs and bats etc., but this is not an unusual scenario”.

8.8 Lead Local Flood Authority (SUDS)

Having reviewed the Flood Risk Assessment & Surface Water Drainage Strategy and the associated documents which accompanied the planning application, acting on behalf of ECC we do not object to the granting of Outline planning permission based on conditions.

8.9 Highways England

Recommend that conditions should be attached to any planning permission that may be granted.

This response represents our formal recommendations with regards to 182220 and has been prepared by Mark Norman. We have examined the Transport Assessment.

We have a number of observations and have reached the conclusion that this development will have a material impact upon the Strategic Road Network, specifically on the capacity of the A12 J26 Eight Ash Green junction. However, it appears possible to mitigate that impact and we are agreeable to the granting of permission subject to the conditions suggested below.

The impact of this development must be seen in two alternative contexts: one in which Stane Park Phase 2 (172935) and Tollgate (150239) receive planning permission and proceed to construction; the other in which they do not, or in which the development of Fiveways Fruit Farm proceeds ahead of them. Both Stane Park Phase 2 and Tollgate both have an obligation to carry out improvement works at the A12 J26 Eight Ash Green Junction. Our investigations show that, provided those works are complete before this development is occupied, its effect will be suitably mitigated.

Highways England Planning Response (HEPR 16-01) January 2016

Highways England therefore have no Objection to planning application 182220, provided the recommended condition is attached:

8.10 Natural England

It has been identified that this development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result

of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained.

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would: have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

As the application is currently at the outline stage, we understand that it may be acceptable to include a suitably-worded planning condition which secures full adherence with the emerging Essex Coast RAMS at the Reserved Matters stage.

8.11 Highway Authority

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions. The conditions include (summarised)

- a construction traffic management plan
- implementation of the approved Traffic Regulation Order FP/234/08/18 and associated works to prohibit vehicular traffic in Dyers Road
- requirement to construct roundabout, the realignment of Dyers Road and Heath Road and part of the spine road at and near the Fiveways junction

- contribution towards a possible future improvement at the London Road/Stanway Western Bypass roundabout and the B1022/Warren Lane junction
- requirement to construct spine road
- restrict number of occupations until improvements to the southern arm of the Tollgate West/Stanway Western Bypass roundabout completed
- Travel Plan

8.12 Essex Ecology Services (Ecological consultancy of Essex Wildlife Trust CBC Ecology Consultant)

The applicant appears to have provided all the appropriate ecological reports, which appear to be based on sound surveys.

The overall ecology report indicates that an ecological management/enhancement plan will be drawn up for the site, which I imagine will be secured through planning condition. Natural England also recommend general ecological enhancement measures, which we assume can be included in the eco management/enhancement plan.

8.13 Transportation Policy

Walking and Cycling

The proposal include reconfiguring the Blackberry Road/Peartree Road/Winstree Road/Heath Road crossroads junction and the Dyers Road/Blackberry Road priority junction to form a four arm roundabout.

A shared pedestrian/cycleway will be provided on the northern side of the spine road.

A shared footway/cycleway is also proposed from the footway/cycleway on the Spine road to link in with the current footway/cycleway on Winstree Road using zebra crossings to cross Blackberry Road and the proposed roundabout. This link is welcomed and will provide a direct link between the development and the schools along Winstree Road.

Dyers Road will be closed off to vehicular traffic once the strategic road is complete and will become a green lane. The northern part of Dyers Road will become a cul-de-sac and the southern part of Dyers Road will become a green lane. Again, this will provide a good quiet footway/cycle link through the development.

Cycle parking should be provided within the development in accordance with Parking Standards.

Public Transport

The Transport Assessment refers to bus routes in the vicinity of the site. It should be noted however that bus route 65 only passes the site in the eastbound (town centre) direction. In the west bound direction it goes via Holly Road and therefore does not pass the site. The stops for the 65 westbound service (Tollgate direction) are therefore further than 400m from the development site. This is also referred to in the Travel Plan.

The main spine road through the site has been designed to allow buses to operate along it. Bus stops, designed to ECC standard, should be provided along this route to ensure that all dwellings are within 400m of the bus stops.

The Transport Assessment states that 'local bus providers including Arriva and First Group have been contacted regarding proposals to determine whether new

services can be provided or existing services diverted. Arriva have indicated they would be prepared to divert their existing bus Service 1 ...' The consultation with bus operators is welcomed to encourage the provision of bus services through this residential area. It is suggested consideration should be given to any new/extended bus service serving the Tollgate area in addition to the town centre. Proposals to divert bus services to route through the Fiveways development should continue to be pursued by the developer with the local bus operators.

Electric Vehicles

Suitable infrastructure to recharge electric vehicles should be installed as part of the proposal. There are no details of electric vehicle charging points with this application. It would be expected that electric vehicle charging points are included within the development to encourage the uptake of electric vehicles. Electric vehicle charging points should be provided for all dwellings to enable vehicles to be charged overnight.

8.14 Environment Agency

Thank you for your consultation received on 28 September 2018. We have inspected the application, as submitted, and no objection to the application, however we do offer the below advice relating to the previous use of the site and neighbouring sites regulated by an Environmental Regulated Permit.

Previous Use as an extraction site

Previous use has been highlighted by the applicant as being a mineral extraction site. Consideration of what has been used to remediate the site after mineral extraction and drainage should be taken into account to ensure that water is not contaminated in the area.

Proximity to regulated sites

The proposed development is within 1km of a civic amenity site and waste transfer station which has the potential for odour disruption. The proposed development is also within 1km of an inert processing site which has the potential for dust and noise disruption. The site is also within 1.3 km of an active landfill site which has the potential for odour disruption.

The proposed site location therefore has a large number of sites within the neighbouring area which may result in impacts from these regulated sites. However if these sites are conforming to their permits we will not look to close the sites.

8.15 Anglian Water

No objection subject to conditions

8.16 Landscape Officer

The Landscape Officer has made a number of detailed comments including; the landscape element needs to be cross-checked against the Council's standard generic requirements; inaccuracies in the design and access statement, the tree planting proposed within the site and recommends exclusion of ash. The Landscape Officer indicates the existing hedgerow bounding Heath Road has been classed as important under the Hedgerow Regulations with a resulting presumption against the proposed hedgerow removal. However the removal of

any hedgerow is permitted in principle if it is required for making a new opening in substitution for an existing opening but it should be noted that this exemption is for the proposed access only, not sight splays. Reference is also made to the hedge bounding Grymes Dyke which has been classified as 'Important' under the Hedgerows Regulations in relation to its archaeological importance.

8.17 Arboricultural Officer

No comment

8.18 Essex Police

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision to be made as to whether the appropriate consideration of Sections 58 & 69 of the National Planning Policy Framework has been achieved, however the proposed site plan does show the dwellings seem to be positioned well for good natural surveillance while protecting the vulnerable rear of the properties by having the gardens backing directly onto other gardens. To ensure this development is a safe, secure place to live, e.g. uniform lighting without dark areas, effective physical security on each property, garden gates sited as near as possible to the front of the property and to comply with Colchester's Planning Policy DP1: Design and Amenity (Revised July 2014), (iv) Create a safe and secure environment, I would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.

9.0 Parish Council Response

9.1 The Parish Council have stated that I refer to the above application and can confirm that Stanway Parish Council OBJECTS to this proposal due to the amount of local residents concerns relative to the lack of infrastructure and overdevelopment of the site.

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.

10.2 Cllr Dundas

"I am of course aware that the site is contained in the current Local Development Framework and allocated for housing development which will inevitably frame the eventual destiny of it. Consideration must of course also be given to the shortage of supply compared to demand for housing both in the Borough and the Country together with Affordable Housing needs.

Stanway has seen massive growth and change over the last 20 years which, if anything, has accelerated in recent times. No one possibly could or should categorise the people of Stanway as "NIMBYs" when comments are made on

further building. Stanway has regularly accepted numbers of housing in 12 months with barely a murmur of complaint the same number of which in other Wards spread over 20 years have prompted mass protests.

Bearing this in mind it is only right and fair that when further large developments such as this are brought forward we all ensure that the existing residents, and indeed the new ones, receive the fair dividend of properly planned infrastructure to mitigate the effects.

Turning to the specific applicate I understand Highways have not yet made any Comments and have requested an extension until December 7 but I can see some possible issues as the proposal currently stands;

1. There is inadequate pedestrian safety on the East/West access. Although there are crossings from North/South across Blackberry and Peartree Roads there is no way for pedestrians on the West side of the new roundabout to access anything to the East without crossing an uncontrolled road. To the East we have a school and a significant number of shops and businesses which are "cut off" from everything to the West of Winstree Road. Although there is a "raised" area on Winstree Road approaching the roundabout I would suggest this is inadequate and a proper, full, pedestrian crossing is required on Winstree Road.
2. The proposed roundabout seems to be of a slightly "enhanced" mini-roundabout style. On the assumption that the new spine road will become the generally used access from the A12 (via the western by-pass) to the existing "bulk" stores and businesses in Peartree Road it is likely a large number of HGV vehicles will be using this roundabout. I am concerned whether the roundabout as designed can accommodate these easily.
3. At peak times it would seem likely that traffic along the Spine Road may well back up when approaching the roundabout. This will block access to/from Heath Road and Dyers Road. It also isn't clear what vision there will be when exiting Heath Road turning left from traffic turning left at the roundabout from Peartree Road to the Spine Road.

When it comes to the wider impact of the development across Stanway there are Several concerns I have in relation to whether the necessary area wide improvements as detailed in the adopted plan have, or will, be complied with to ensure further development is currently sustainable.

Firstly, Section 5.155 of the LDF states that prior to any planning application being determined a full ecological survey of Jersey Cudweed *Gnaphalium* must be carried out. I have read through the application and cannot see any specific reference to this and would like confirmation it has or will be done prior to determination and the results.

*Officer comment: the case officer has raised this issue with the applicant and received confirmation that the surveys have been carried out and that no Jersey Cudweed *Gnaphalium* has been found on the site.*

Secondly, Section 5.154 refers to a "requirement for a full archaeological field Evaluation prior to any development" so I assume this would be a planning condition imposed if recommended for approval?

Officer comment: archaeology conditions recommended by English Heritage and CBC Archaeological Advisor will be imposed.

Section 5.165 refers to the transport infrastructure. As we are at the tail end of the Current LDF and this is probably the last major development in Stanway to be brought forward under it, it should be assumed that all the transport improvement detailed would have now been completed or will be completed concurrently with this development. It is inevitable that a significant number of vehicles will exit onto the Western by-pass and then onto the A12 at Junction 26. This junction is already over capacity and is causing delays on the A12 itself. There is planned signalization under a S106 agreement with permission for the Stane Park 2 development but this appears to be only designed to mitigate extra traffic created by Stane Park, not the extra traffic generated by growth taken place during the current LDF period. The LDF is clear in this and states "improvements to the A12/A1124 Eight Ash Green Junction 26 as well as the surrounding highway network are required to accommodate the forecast growth in the area". There is no ambiguity here – it states "are required" yet they have not happened. Our own plan clearly implies that further development is unsustainable without these.

Officer comment Highways England have requested a condition to ensure improvements works to junction 26 of the A12 are completed before any development is occupied and comment that provided those works are complete before this development is occupied, its effect will be suitably mitigated.

As well as exiting onto the A12 some traffic will also head towards the B1022 via Warren Lane. This is already a dangerous and over capacity junction which sees regular accidents and very long queues. This is again mentioned in the LDF which says "A S106 Agreement has already secured funding as well as land to enable improvements at the B1022/Warren Lane junction if needed at some stage in the future". Apart from some very, very minimal changes a number of years ago there have been no improvements to this junction and they are long overdue. As with the A12 junction I would suggest the improvements are needed if this development is to occur.

Officer comment the recommendation from Highways England does not require any works to the Maldon Road junction. However the Highway Authority has requested a financial contribution towards possible future improvements.

Policy STA4 states that the following schemes will (no ifs, no buts) be delivered by the end of the current LDF:

- a) Completion of the Stanway Western Bypass
- b) Improvements to the A12/A1124 Junction 26 as well as the surrounding highway network
- c) Stanway road improvements
- d) Possible widening of the Stanway Western Bypass

I would venture to suggest that although (a) has occurred the only things which are proposed and may shortly happen with regards to (b) and (d) are to mitigate extra traffic from Stane Park and/or Tollgate Village neither of which were anticipated when the LDF was written. (c) is a very vague statement but I suspect few, if any, in Stanway would be able to point to many.

I hope that the comments raised by residents and others will be taken account of when considering this application. I further hope that all aspects of our LDF – not just the part which says where the houses should go – will be given equal weighting so that if this does go ahead it is done in a sustainable manner which

means Stanway continues to be a pleasant place to live for existing and new residents alike.

Further comment “having read through the Transport Assessment I note that the manual and automatic traffic and queuing surveys were carried out in November 2016 so are nearly 2 years out-of-date.

Since this time there have been significant changes in the local area not least the completion and occupation of several hundred houses including the Lakelands 2 and Wyvern Farm developments plus the opening of businesses on Stane Park.

I think anyone who knows this area would confirm that traffic levels and queuing issues are significantly different to those of November 2016. I would therefore suggest that the data used for this Assessment is inaccurate and it needs to be carried out again. Any research which relies on out-of-date data is inevitably open to question as to whether the conclusions are valid.”

Officer comment: Highways England and the Highway Authority have both considered the information in the Transport Assessment and are satisfied with the data provided.

10.3 Councillor Scott-Boutell

“I have concerns because the Fiveways junction is a known accident area. The Casualty Reduction Partnership have undertaken some work here looking at traffic flows and identifying what was causing the accidents. Their recommendation was traffic control signals.

Officer comment The Highway Authority considers a traffic signal controlled junction would be unacceptable as it would be unlikely to provide sufficient capacity and as they do not have a good safety track record.

There will be a high number of pedestrians, leaving the south side of Fiveways junction travelling to the schools, Children's Centre, doctors and shops and human nature is such that they will follow natural desire lines. This often means that they will not walk to the designated crossing point, the London Rd zebra crossing being a good illustration of that--with people getting off the bus and choosing to cross at the mini roundabout at the top of Lucy Lane South instead of the zebra crossing near the roundabout. Another reason for concern is the high number of drive throughs that take place on Zebra crossings in Stanway. This is because the east/west routes are very busy with a lot happening--for example; the zebra crossing by the parade of shops in Blackberry Rd--I've recently applied for funding to upgrade this to a light controlled crossing because of the high number of drive throughs and complaints. I believe the drive throughs happen because the driver is looking ahead at vehicle movements by the shops and they are not seeing the pedestrian waiting to cross, or even crossing, in front of them. I can see this behaviour being replicated if the proposed roundabout and zebra crossings go ahead.

You will be aware that the zebra crossing in Blackberry Rd by the Fiveways junction has had attended accidents at this site. I'm very worried that by creating a roundabout with 2 zebra crossings either side, instead of resolving a problem, will in fact exacerbate it.

Another point to bear in mind is that with the school expansions and the new Lexden Springs School, there will be an increase in traffic/pedestrian movements in Winstree Rd which will put further pressure on this junction in the near future.

Another factor to now take into account, will be the consultation which will be starting shortly regarding Winstree Rd. Winstree Rd is one of the roads at the Fiveways junction and is affected by the proposals. The consultation project, which is estimated to run between 18 months to 2 years, will be looking to change/improve the highway issues which include parking, obstruction and congestion in Winstree Rd.

At this point in time I'm unsure which recommendations that residents make which will be trialled and finally implemented as the consultation has yet to start but the decisions reached will ultimately impact on the Fiveways junction."

10.4 116 objections representations objecting to the application have been received

One representation supporting the provision of affordable housing

Summary of objections

- There are already too many houses being built in Stanway (64)
- The road infrastructure cannot cope there is already queuing on the A12 sliproad, local roads and around Tollgate. More cars will mean more gridlock, noise, pollution, poor air quality and increased danger to pedestrians and school pupils (95)
- Local services cannot cope, dentists, doctors, schools and hospitals (75)
- No facilities for the young (2)
- Loss of countryside (8)
- Too many fast food outlets adding to congestion (2)
- The proposed roundabout will still mean it is difficult to get out of Dyers Road as the majority of traffic will be coming along Blackberry Road and Dugard Avenue. Any proposed zebra crossings should have traffic controls to ensure safety for local residents and school children.
- Consideration should be given to existing residents regarding placing of social housing
- Wildlife will suffer (8)
- Archaeology value of the dyke must be protected
- Crime/antisocial behavior is rising (4)
- Existing trees should be retained
- Tree/hedgerows behind existing residential properties in Heath Road should be retained (3)
- Flats will cause loss of privacy to residents in Heath Road

- Residents amenity should be protected (3)
- Impact on property values
- The three private drives onto Dyers Road will add more cars, cars will still race along the road even when it is stopped up, the speed limit is already broken and traffic calming is required
- Residents of Dyers Road have commented on the illustrative masterplan and object to houses proposed directly opposite their houses (2) *Officer comment whilst this plan will not form part of any planning permission the principle of new dwellings fronting Dyers Road is acceptable in principle*
- Infrastructure required first including improvements to the A12 junction and Warren Lane (1)
- The realignment of Heath Road and Dyers Road into the Spine Access Road will cause a massive traffic overload at the southern entry to the proposed roundabout.
- The proposed roundabout appears to be of the "mini" variety, this will be totally inadequate to meet the traffic loading from cars, vans, busses and up to 40 tonne articulated trucks, connected the local business', throughout the day. (2)
- A review of installing a one way system of South on Winstree Road, East on Blackberry Road and North on Villa Road should be carried out
- The roundabout should be replaced by a traffic light controlled junction (4)
- It should be noted that the base drawing for Heath Road is incorrect in that it shows a single dwelling on this land; however, the land is now the location of a small development of 3 bungalows, whose entrance driveway appears partially aligned with the proposed Raised Table at the entry to Heath Rd North. Please review the design to ensure there is no conflict is caused by the proposed new layout.
Officer comment: the applicant has confirmed the revised drawings address this issue
- Why close Heath Road? Dyers Road and Heath Road are smaller roads, if we have to wait to get out onto the main road, then that's fine, we very rarely have to wait. The new housing estate should be directed to the other direction, Warren Lane. Why close Heath Road? Need to concentrate on directing the 840 vehicles from the new housing estate, if this goes ahead. It would be ridiculous and dangerous to allow this volume of traffic onto these roads.
- Tarmac operates an active sand and gravel quarry to the south of the planning application area. The development proposals as part of application 182220 should consider the existing quarry development and incorporate appropriate mitigation measures.
Officer comment: bunds have already been provided along the south boundary of the site.

Member will note a significant quantity of comments has been received regarding highway matters, in particular the works to the Fiveways junction. A Highway Authority Officer will be invited to attend the committee meeting to assist with consideration of these issues.

11.0 Parking Provision

11.1 Parking is not a matter for consideration at this time

12.0 Accessibility

12.1 As this is an outline application there are no details of any buildings and accessibility is therefore not a matter for consideration at this stage of the application process.

13.0 Open Space Provisions

13.1 Policy requirement is at least 10% of the site area as public open space in accordance with Development Plan Policy DP16. Open Space is secured in the legal agreement. The current restoration proposals for the quarry land abutting the south boundary of the site is the provision of a strategic area of public open space.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The exact trigger points, mechanisms, and associated clauses will need to be discussed further with the Solicitors for each party, but the obligations that would be agreed as part of any planning permission would be as follows

- Archaeology a contribution of £16,810 (£4000 for on-site interpretation £12,000 to display any finds, £810 for enhancement of HER). The contribution for on-site interpretation and display of finds is only payable if there are archaeological finds on site.
- Open Space Sport & Recreation off site contribution of £275k, onsite provision of Paddle Tennis facility (or other agreed facility), a LEAP and 2.83 hectares of Public Open Space. Commuted sums if CBC manages the facilities/open space or alternatively an Open Space Management Plan to be submitted and approved.
- NHS Contribution of £152,352
- ECC Education requested contributions for Early Years, Primary and Secondary Education. The applicant has agreed the principle of these off-site contributions. The detail as to how these costs are calculated is still being discussed with ECC and will be finalised prior to the section 106 agreement being completed
- Community facilities contribution of £680,000 towards the extension phase 2 of the Western Approaches community building.
- Affordable Housing 20% to be provided in accordance with policy

In addition to the Development Team requirements the legal agreement will include an obligation for a RAMS payment of £122.30 per dwelling

16.0 Report

16.1 The main issues in this case are:

The Principle of Development

16.2 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is also reflected in guidance set out in the NPPF Paragraph 11 of the National Planning Policy Framework states that at the heart of the NPPF is a presumption in favour of sustainable development.

16.3 The site is allocated within the Adopted Local Plan for residential development under Site Allocation Policies SA STA1 Appropriate uses within the Stanway growth area. The Stanway Growth Area also includes Lakelands, land between Dyers Road and Warren Lane and Wyvern Farm. Land at Fiveways Fruit Farm is identified as a new green field allocation.

16.4 Policy SA STA1 states

“A Master Plan will be prepared to ensure that the development is planned comprehensively and delivered in a co-ordinated manner. All planning applications will be expected to comply with the Master Plan and have regard to the following:

1. The use of SuDS to reduce pollution levels in the water, recharging minor aquifers in the area and also to enable surface water to percolate into them keeping water levels maintained *Officer comment: SUDS is proposed and has been agreed in principle with the Lead Local Flood Authority*

2. For sites within 250m buffer zones of closed landfill sites there is the possibility of landfill gas migrating from the landfill sites into the strata below the proposed development. Any developer should appoint a suitably qualified and experienced engineer to carry out a site investigation prior to the submission of any planning application; *Officer comment: the application includes appropriate reports which have been considered and agreed with CBC Contaminated Land Officer*

3. Where the site area exceeds 1 hectare or more in Flood Zone 1, or falls within Flood Zone 2 or 3, the applicant should provide a Flood Risk Assessment that complies with Planning Policy Statement 25;

Officer comment a satisfactory Flood Risk Assessment has been submitted

4. Applicants should check if there would be a requirement for archaeological field evaluation before submitting a planning application. If nationally important archaeological remains are discovered the development would need to be designed to ensure that these were preserved in situ. If archaeological remains of lesser importance are discovered, these would require excavation (preservation by record) prior to development;

Officer comment a pre- determination trial-trenched evaluation has been carried out and both English Heritage and CBC Archaeological Advisor have raised no objection to the application subject to the imposition of a condition

5. Public open space will be required immediately to the west of the Gryme's Dyke, a Scheduled Monument, in order to secure its management and improved public access; *Officer comment: this will be secured as part of the master planning process.*

6. Where protected species are known or suspected to be present on a proposed development site then an ecological survey by an appropriately qualified consultant must be submitted prior to the planning application being determined; *Officer comment: ecological surveys have been undertaken which have been independently verified by the councils consultant*

7. Planning permission will not be granted for development unless it can be demonstrated that the wastewater and sewerage infrastructure can accommodate the development within the confines of existing consents". *Officer comment: Anglian Water and the Lead Local Flood Authority have raised no objection subject to conditions*

16.5 Fiveways Fruit Farm (supporting text summarised)

- The site lies in an area of some archaeological sensitivity being close to Gryme's Dyke (a Scheduled Monument), Gosbecks and only 600 metres north of the important Stanway Burial site. *Officer comment: English Heritage and CBC Archaeological Advisor have raised no objection to the application subject to the imposition of a condition*
- Natural England is aware of a population of Jersey Cudweed *Gnaphalium luteoalbum* present on land comprising orchards and arable grassland within the quarry site. *Officer comment: the applicant has confirmed surveys have not found Jersey Cudweed *Gnaphalium luteoalbum* present on the site.*

16.6 Policy SA STA4 Transportation in Stanway Growth Area

All developments in the Stanway Growth Area will be expected to contribute to a package of sustainable transport measures including walking, cycling and public transport. A comprehensive programme of Travel Planning and promotion of "smarter choices" is required including individualised Travel Planning. For the scale of development envisaged area wide Travel Planning will be required. Residential Travel Packs will be required and measures delivered. For non-residential developments, where there is not an area wide Travel Plan, organisations will need to provide Travel Plans. In addition the following road schemes shown on the Proposals Map will be delivered;

- a) Completion of the Stanway Western Bypass *Officer comment: completed*
- b) Improvements to the A12/A1124 Junction 26 as well as the surrounding highway network *Officer comment secured*
- c) Stanway road improvements *Officer comment: secured*
- d) Possible widening of the Stanway Western Bypass *Officer comment: the Highway Authority has requested a contribution for possible improvements to the London Road/Stanway Western Bypass roundabout.*

- 16.7 Within the Emerging Local Plan (2017 – 2033) the site continues to be allocated in Policy WC2 where sites off Dyers road including Fiveways fruit Farm for approximately 490 dwellings
Development of this site will be supported where it provides:
(i) A mix and type of approximately 490 dwellings;
(ii) Proposals which accord with the agreed masterplan for the Stanway Growth Area;
(iii) Local road improvements, including, but not limited to, the closure of Dyers Road to through traffic and;
(iv) Strategic area of open space to the south of the site
(v) Contributions to education facilities in Stanway
(vi) An ecological survey with appropriate mitigation.
- 16.8 The Council has published the Stanway Southern Sites Access Development Brief (2013) this document considers residential development at the southern end of the Stanway Growth Area and includes Fiveways Fruit Farm. Paragraph 4.6 and Appendix 2 demonstrate the requirement and support for the reconfiguration of the Fiveways junction and the provision of a Spine Road connecting the Fiveways Junction with the Stanway Western Bypass.
- This development Brief includes land on the west side of Dyers Road together with the Fiveways site. The section of the spine road from the Stanway Western Bypass to Dyers Road has already been secured but the larger part to the Fiveways junction is still to be secured and is proposed as part of this application.
- 16.9 The proposal is considered to comply with the requirements of the site allocation policies as set out above and the proposal is therefore considered to be acceptable in principle.
- 16.10 Whilst residential development is acceptable in principle this is a major proposal which will be implemented in phases and by two housebuilders. A master plan approach is therefore required to provide certainty in respect of the provision of land use and agreement to design codes to establish high quality places. This will be secured by condition.

Highway Issues

- 16.11 Policy DP17 seeks to ensure developments enhance accessibility for sustainable modes of transport. Access to development should be created in a manner that is safe and where there is physical and environmental capacity. The adopted Core Strategy seeks to promote more sustainable patterns of transport and behaviour. Policy TA1 aims to improve accessibility by focusing future development in the most sustainable locations and encouraging development that reduces the need to travel. Walking and cycling improvements and connections will be promoted through Policy TA2 and Policy TA3 aims to improve public transport services. Policy STA4 of the Site Allocations document states that all new developments in the Stanway Growth Area will be expected to contribute to a package of sustainable transport measures including walking, cycling and

public transport. A comprehensive programme of Travel Planning and promotion of “smarter choices” is required including individualised Travel Planning. In addition, other road improvement schemes will be delivered.

- 16.12 A Transport Assessment (TA) submitted with the application includes evidence and consideration on current vehicle movement data relating to the Stanway area and how this relates to the quantum of the proposal taking into account other future development proposals. The TA also provides consideration of the development in accessibility terms and provides details personal injury accident data, junction capacity assessment, trip rates and traffic distribution in and around the site.
- 16.13 The TA indicates there are wide footways on both sides of Blackberry Road and Peartree Road in the vicinity of the site. There is also a pedestrian zebra crossing on Blackberry Road between the Dyers Road and Winstree Road junctions. Dyers Road provides a footway on its northern side for around 200m from its junction with Blackberry Road. The northern end of Dyers Road, Blackberry Road and surrounding residential streets are all street lit and provide a good level of pedestrian footways to assist pedestrian movement throughout the surrounding area including all routes to the nearest bus stops, schools and shops.
- 16.14 The southern end of Dyers Road will be closed to vehicles to provide a shared use pedestrian / cycle route. In addition, a footpath / cycleway will be provided to Egremont Way and Dyers Road.
- 16.15 The TA concludes that the proposed redevelopment is well connected to existing and future sustainable travel modes including cycle routes and public transport services. It is also contributing to improving and encouraging sustainable modes of travel in the area by creating new walking and cycle facilities through the site which will connect to the wider network during construction of surrounding residential developments. The proposed Fiveways roundabout junction has been assessed and the results demonstrate that the proposed Fiveways roundabout junction will operate with spare capacity during both AM and PM peak hours when all committed and proposed development is included.
- 16.16 The application seeks full planning permission for three elements, reconfiguring the Blackberry Road / Peartree Road / Winstree Road / Heath Road crossroads junction and the Dyers Road / Blackberry Road priority junction to form a four arm roundabout, the access point for the spine road, serving the development, onto Dyers Road and three shared private driveways onto Dyers Road
- 16.17 A spine road will be constructed through the application site; and whilst this application does not include the route through the site it does include the junction at either end, namely the southern arm of the roundabout and the access onto Dyers Road. The spine road will be designed with a carriageway width suitable for bus access. The submitted information indicates Local bus providers have been contacted regarding the proposals to determine whether new services can be provided or existing services

diverted to accommodate the development. The proposals include a 3.5m off-road shared pedestrian / cycle route on one side of the spine road, pedestrian / cycle route through public open spaces, and along the southern boundary of the site. The cycle facilities and routes provided will create a direct connection between the existing off-road cycle routes on Winstree Road and Stanway Western Bypass

- 16.18 The northern ends of Dyers Road and Heath Road will be realigned to form priority junctions with the Fiveways spine road. Blackberry Road, Peartree Road and Winstree Road will form the western, eastern and northern arms of the roundabout.
- 16.19 The three shared private driveways on the southern side of Dyers Road will each serve 5 dwellings.
- 16.20 A draft Travel Plan identifies the following objectives
- to reduce single occupancy vehicles accessing the site;
 - to increase the proportion of people that walk when accessing the site;
 - to increase the proportion of people that cycle when accessing the site;
 - to increase the proportion of people using public transport to access the site;
 - to promote the health, social, and environmental benefits of sustainable travel;
 - to inform all site users of the TP and to encourage alternative ways to travel to the site, therefore helping reduce road congestion and reduce CO2 emissions; and
 - to review the TP in a timely manner.
- 16.21 Highway England and the Highway Authority accept the conclusions of the TA and support the proposed reconfiguration of the existing Fiveways junction. The Highway Authority considers a traffic signal controlled junction, referred to by residents, would be unacceptable as traffic signals would be unlikely to provide sufficient capacity and these types of controls do not have a good safety track record
- 16.22 Highways England and the Highway Authority support the application subject to conditions.

Heritage Assets (Archaeology)

- 16.23 Paragraph 194 of the NPPF states any harm to the setting of the designated heritage asset should require 'clear and convincing justification'. Policy DP14 states "Development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance"

- 16.24 There are two issues to be considered firstly the impact of the development on the scheduled ancient monument and secondly the impact on below ground heritage assets.

Impact on the scheduled ancient monument

- 16.25 English Heritage has confirmed the proposed development would not directly affect the adjacent scheduled monument- Gosbecks Iron Age and Romano-British site the western boundary of which is formed by Grymes Dyke, one of the substantial linear earthworks associated with the defended settlement or “oppida” of Camulodunum.
- 16.26 However as the proposals would introduce a large quantum of built development to the west of the dyke they advise that a degree of erosion to the landscape setting of the dyke would be caused which would result in some harm to the significance of the scheduled monument. English Heritage consider that there is scope for this harm to be mitigated through the master-planning process by the creation of public open space /landscape buffer to the west of the dyke. This view is shared by CBC Archaeology Advisor.

Below Ground Assets

- 16.27 The proposed development is in close proximity to a number of Late Iron Age and Romano-British scheduled monuments and is located in an area of archaeological sensitivity. The site has been subject to a degree of archaeological evaluation which has identified buried archaeological remains dating back to the Iron Age and Roman periods. However further evaluation and mitigation by conditions is required to fully assess the harm which would be caused to the significance of these non-designated heritage assets.
- 16.28 CBC Archaeology Advisor confirms a pre-determination trial-trenched evaluation has been undertaken by Colchester Archaeological Trust. Based on the findings of the evaluation, there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage however a condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed is recommended.
- 16.29 Subject to the imposition of conditions and an agreed master-plan the provisions of the NPPF and Local Plan policy are satisfied.

Landscape and Trees

- 16.30 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.

- 16.31 The application is supported by a Arboricultural Impact Assessment and Arboricultural Method Statement. These documents indicate two continuous hedges with scattered trees run along the north-western boundary of Dyers Road and a maintained tree-hedge line with intermittent gaps extends along the eastern, Heath Road, side of the site. There are several lines of pollarded trees along the southern side adjacent to the mineral workings. In addition there are a few trees north of the site on highway land at the junction of Dyers Road and Blackberry Road. Within the site there are a range of trees and linear tree groups however most are of low value due to structural defects or poor historical management. Much of the internal vegetation is pollarded linear tree groups used for shelterbelts.
- 16.32 The tree survey assesses the tree population as consisting predominantly of low to poor quality trees. Of the 117 tree entries 38 were deemed to be of moderate quality and value (B category), 75 were assessed as being low quality and value (C category) and the remaining four were poor quality (U category). The proposed development will necessitate the removal of a total of 21 trees or groups; and parts of five groups or hedges. However most of the vegetation to be removed is of low quality due to its overall condition, poor historical management and will be replaced. Where hedge sections are removed for access points on Dyers Road, new hedges will be planted in suitable locations or there will be suitable alternative planting as appropriate.
- 16.33 Most of the internal vegetation will be removed this comprises predominantly pollarded linear tree groups used for shelterbelts which is considered a negligible loss to public amenity due to its overall condition and lack of visual presence.
- 16.34 The Arboricultural officer agrees with the assessment and conclusions in the reports and has no objection to the application.
- 16.35 A landscape strategy for the site will secure significant new planting of appropriate indigenous species to enhance public amenity and provide new habitat.

Ecology and Biodiversity

- 16.36 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

- 16.37 The application is supported by an Ecological Assessment and Surveys for badgers, amphibians, dormice, reptiles, invertebrates, bats and nesting birds .
- 16.38 The ecological report concludes no part of the proposed development site has any type of statutory or non- statutory conservation designation. The proposed development site is within a zone of influence for Abberton Reservoir S.P.A. - RAMSAR site, Essex Estuaries Special Area of Conservation, and Colne Estuary S.P.A. The proposed development will not reduce the size or conservation status of these designated sites, nor affect their management regimes or future ecological potential. The proposed development area does not create new access to these Natura 2000 sites.
- 16.39 The proposed development could however have some minor recreational/disturbance impact alone or when considered alongside other new developments within the same zone of influence for these Natura 2000 Sites and so is subject to a Habitat Regulations Assessment (H.R.A.). Natural England advise that a suitable contribution to the emerging Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) would enable the local authority to be able to reach a conclusion of “no likely significant effect” - and addressing the need for the suggested H.R.A. The legal agreement will secure the RAMS contribution.
There are Priority Deciduous Woodland habitats off-site to the west and south west. The proposed development will not reduce the size or conservation status of these habitats, nor affect their management regimes or future ecological potential.
- 16.40 Most of the site is an active intensive market garden/fruit farm with little biodiversity or conservation value. Where localised habitat features were present survey have been completed which conclude:
- There are two active irrigation reservoirs an e-D.N.A screening for both reservoirs confirmed a Great Crested Newt absence.
 - A negative result nine-month tube and hazel nut-based survey of the hedge line site boundaries and through the green mature oak corridor into the centre of the site from the adjoining site to the North of Dyers Road to the west – confirmed a Dormouse absence from the site.
 - There is no active badger sett of any type within or adjacent to the survey area. A single entrance active out-lying sett was identified within the land North of Dyers Road to the west and an adjacent dis-used annexe sett – neither of these setts are directly impacted upon by the proposed development within the Fiveways Fruit Farm.
 - There is an active fox earth within the hedgerow boundary adjacent to Dyers Road. It will be important to monitor this fox earth and other embanked areas within the site post any planning approval to ensure any possible new sett creation is identified.
 - The site has very little invertebrate value.
 - The wider site had negligible bat foraging activity. Activity/commuting/foraging is mostly associated with the linear boundaries and internal hedge/tree habitat features. A high activity route associated with the central line of Italian Alder through the site will be

lost as part of the proposed development. All retained hedge/tree lines to the boundary and into the site will be protected, enhanced and created to retain and improve upon the existing bat foraging and dispersal routes. Two trees were identified as having moderate value in relation to their potential as having a bat roost feature which are to be retained. illumination design across the site will be required to be minimal, bat friendly and follow all relevant guidelines. Bat provisions/enhancements have been identified and will be included within a Ecological Design and Management Plan for the whole site.

- Most avian activity is focused on the perimeter hedge and central green corridor habitats. The majority of the perimeter hedgerow/tree lines and central green oak corridor are to be retained, enhanced and increased - which will protect these key avian areas. Any tree/vegetation removal will be required to be completed between September and February to ensure no nesting birds are disturbed.

16.41 Whilst the surveys indicate there will be no impact on protected species section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on the local planning authority to conserve and enhance biodiversity; a condition will therefore be imposed requiring the reserved matters application/s to include an ecological design, implementation and management plan to protect and enhance biodiversity across and through the wider site.

Drainage and SuDS

16.42 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water

16.43 A Flood Risk Assessment and Drainage Strategy have been submitted with the application. The site is located within Flood Zone 1 which means that there is low probability of flooding any floodplain with <1 in 1000yr probability of river or sea flooding. The development itself is, therefore, unlikely to be susceptible to flooding. Although within flood-zone 1, consideration has also been given to the flood risk presented from other potential sources such as overland water, groundwater, sewers and retained water features. The site, proposed levels and existing topography of the site have been assessed for these threats, such that in the event of large storm events, surface water flows would not threaten life or property.

16.44 A surface water drainage strategy has been designed and accompanies the application. It shows how surface water is retained on site and stored within the green spaces (which run broadly from north to south with the topography) prior to infiltration on site. The drainage strategy would incorporate swales, bioretention and cellular soakaways which will be designed to accommodate all surface water runoff expected up to 1 in 100-year storm plus 40% climate change with the additional 10% urban creep. As the application is seeking outline permission at this stage with all matters

reserved, this figure has been estimated and the detailed design of the SuDS would be adjusted accordingly within a detailed site layout.

- 16.45 Essex County Council SUDs (as Lead Local Flood Authority) and Anglian Water have both been consulted. Essex County Council SUDs have confirmed that they have no objection to the proposal subject to conditions to secure a detailed surface water drainage scheme and a surface water drainage maintenance and management. This is considered appropriate in order to mitigate any impacts in terms of surface water run-off and flooding.
- 16.46 Anglian Water have confirmed that the foul drainage from the development is in the catchment of Colchester Water Recycling Centre, which has available capacity for the flows. No objections raised subject to the imposition of a condition.
- 16.47 The proposal is not, therefore, considered to be susceptible to flooding or cause flooding elsewhere, it will manage surface water run-off, and would be adequately served in terms of foul drainage subject to conditions. The proposal complies with policies SD1 and DP20.

Impact on the Surrounding Area/Neighbouring Properties

- 16.48 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 16.49 The development proposes to reconfigure the existing 'Fiveways' priority crossroads junction to provide a four arm roundabout with improved capacity and safety plus improvements to existing pedestrian crossing facilities. The development will incorporate new pedestrian and cycle facilities to encourage sustainable travel behaviour and provide links to existing off road cycle routes and footpaths. The new spine road will provide a more direct route to Stanway Bypass and the A12. The stopping up of Dyers Road to through traffic will have a positive impact on those residents.
- 16.50 The construction phase is likely to cause noise and disturbance and, as such, the Council's Environmental Protection team have recommended conditions to limit the hours of work and establish a construction method statement. This is considered necessary to ensure that the amenity of local residents is protected as far as reasonable.
- 16.51 The application site shares a boundary with dwellings in Heath Road and Dyers Road and there are dwellings on the opposite side of both of these roads. The privacy and amenity of these residents will be considered as part of the masterplan process and consideration of the reserved matters applications.

17.0 Conclusion

- 17.1 To summarise, the application is considered to be acceptable with regards to the relevant policies contained in the Council's adopted development plan. The criteria listed in the site allocation policies in respect of highway works, archaeology, SUDS, flood risk, land contamination and protected species are satisfied. The proposed reconfiguration of the Fiveways junction is supported by the Highway Authority and Highways England has raised no objection subject to the prior improvement of the A12 junction 26.
- 17.2 A masterplan approach is required for the residential development and this is secured by a condition.
- 17.3 In conclusion it is considered that the full application for the access works, including the new Fiveways junction, and the outline application for residential development are acceptable and Members are recommended to resolve to grant planning permission subject to the legal agreement and conditions set out below.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement.

Agreement with the Agent/Applicant to the wording of the conditions and delegated authority to make changes to the wording of conditions as necessary;

The legal agreement to secure:

- Archaeology a contribution of £16,810 (£4000 for on-site interpretation £12,810 display any finds)
- Open Space Sport & Recreation off site contribution of £275k, onsite provision of Padel Tennis facility (or other agreed facility), a LEAP and 2.83 hectares of Public Open Space. Commuted sums if CBC manages the facilities/open space or alternatively an Open Space Management Plan to be submitted and approved.
- NHS Contribution of £152,352
- Education contribution the details of this contribution are still being discussed with ECC Education and Members will be updated at the meeting.
- Community facilities contribution of £680,000 towards the extension phase 2 of the Western Approaches community building.
- Affordable Housing 20% to be provided in accordance with policy
- a RAMS payment of £122.30 per dwelling

- A financial contribution sufficient to secure a scheme of improvements to A12 junction 26 (the Eight Ash Green junction), similar in form to that shown in outline on Cannon Consulting Engineers Drawing number F/171 rev C dated 24th May 2017, including both the elements labelled 'committed' and those labelled 'proposed'. This contribution will not be required if these works have been commenced to the satisfaction of the Local Planning and Highway Authorities, in consultation with Highways England prior to the occupation of the first residential unit.
- A £25,000 index linked contribution (plus 2% of the contribution value or no more than £2,000 as a monitoring fee) towards a possible future improvement at the London Road/Stanway Western Bypass roundabout to be paid prior to the occupation of the 50th dwelling.
- An index linked contribution (plus 2% of the contribution value or no more than £2,000 as a monitoring fee) towards a possible future improvement at the B1022/Warren Lane junction (details shall be agreed with the Local Planning Authority prior to commencement of the development) to be paid prior to the occupation of the 50th dwelling.

The Permission will also be subject to the following conditions:

FULL APPLICATION (means of vehicular access to the site and reconfiguration of Fiveways junction)

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 1629/19-1 1629/19-7 1629/19-6 1629/19 1629/19-3 1629/19-4 1629/19-5 1629/16 1629/16A 1629/14E

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

3. Non Standard Condition - Construction traffic management plan,

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

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

4. Non Standard Condition - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction; and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

5. Non Standard Condition - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is

not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

OUTLINE PLANNING PERMISSION residential development

1. ZAC - Time Limit for Outline Permissions

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. ZAD - Time Limit for Outline Permissions

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. ZAE - Time Limit for Outline Permissions

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. 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 OPA /15014

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

5. Non Standard Condition - Masterplan and Design Codes

The reserved matters application/s shall comply with a masterplan and design codes previously agreed with the local planning authority. Each Reserved Matters application shall be accompanied by a drawing showing how it fits in with the approved master plan, provisions of the Section 106 and other agreed commitments.

Reason: In order to ensure the phased development of the site is carried out in a co-ordinated and coherent manner and in accordance with an over-arching design and access strategy.

6. Non Standard Condition - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction; and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

7. Non Standard Condition - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

8. Non Standard Condition - Construction traffic management plan

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

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2

9. Non Standard Condition - Street Name Signs

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

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

10. Non Standard Condition - Air Quality

The reserved matters application/s shall be accompanied by a detailed assessment undertaken by a competent person of the impact the proposed development will have on local air quality. Such layout and building design/appearance details as shall be submitted to the Local Planning Authority shall have regard to the air quality assessment and any mitigation measures it suggests as appropriate. Such measures as shall have been agreed shall be implemented prior to the first OCCUPATION OF ANY BUILDING WITHIN the development (or approved phase) hereby permitted and these shall be retained thereafter to the agreed specification.

Reason: To ensure that the proposed development does not give rise to any unnecessary increase in atmospheric emissions which will have an adverse impact on local air quality for the surrounding area and/or neighbouring properties, as there is insufficient information within the submitted application.

11. Non Standard Condition - 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

12. Non Standard Condition - 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

13. Non Standard Condition - 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.

14. Non Standard Condition - 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 11 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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

15. Non Standard Condition - 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 12, and 13.

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

16. Non Standard Condition - Site Levels Plan

The reserved matters application/s shall include detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill. The development shall thereafter be completed in accordance with the agreed scheme before the development (or any approved phase) is first occupied.

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

17. Non Standard Condition - Materials To Be Agreed

The reserved matters application/s shall include precise details of the manufacturer and types and colours of the external facing and roofing materials. 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.

18. Non Standard Condition - Full Landscape Proposals

The reserved matters application/s shall include full details of all landscape works have been submitted and the works shall be carried out prior to the occupation of any part of the phase of the development to which it relates unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

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

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

19. Non Standard Condition - Landscape Management Plan

Prior to the first occupation of any phase 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.

20. Non Standard Condition - Earthworks

The reserved matters application/s shall include details of all earthworks. These details shall include 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. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any earthworks are acceptable in relation to their surroundings.

21. Non Standard Condition - Boundary Treatments

The reserved matters application/s shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall then be completed in full accordance with the agreed details BEFORE EACH INDIVIDUAL DWELLING TO WHICH THE BOUNDARY TREATMENT RELATES IS OCCUPIED / TO A TIMETABLE THAT WILL HAVE ALSO PREVIOUSLY BEEN AGREED, IN WRITING, BY THE LOCAL PLANNING AUTHORITY. The treatments shall be retained in their approved forms at all times thereafter.

Reason: To ensure that the boundary treatments are satisfactory and are situ at the time when they are required in order to achieve a satisfactory development and to avoid any loss of amenity to the neighbouring properties.

22. Non Standard Condition - Tree and Natural Feature Protection

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

23. Non Standard Condition - Tree and Hedgerow Protection

The reserved matters application/s shall include an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree/Hedgerow Protection Plan in accordance with BS 5837. Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree/hedgerow works, tree/hedgerow protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

24. Non Standard Condition - 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.

25. Non Standard Condition - RAMS Mitigation

The reserved matters application/s shall include a detailed mitigation scheme to demonstrate the development secures full adherence with the Essex Coast RAMS. The approved scheme shall be implemented in accordance with an agreed timetable.

Reason: To ensure the development does not have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

26. Non Standard Condition - Surface Water Drainage scheme

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 certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide and shall subsequently be implemented prior to occupation and should include but not be limited to:

The scheme, and should include but not be limited to:

- It is noted that some infiltration tests have not been undertaken in accordance with BRE 365 requirements, where a 75% draindown has not been achieved. The detailed drainage scheme should provide further testing undertaken which confirms that infiltration is suitable in the proposed soakaway location and at the soakaway depth required, or provide details of a secondary surface water drainage disposal method.
- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events, or to an absolute minimum of 50% betterment on existing runoff rates with reasoning for this approach.
- Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- 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 climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- Provision of suitable 'urban creep' allowance
- 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.
- Please provide details on how management company services for the maintenance of shared drainage features shall be funded and managed for the lifetime of the development.
- Evidence that adequate attenuation storage applied with appropriate controlled runoff rates has been provided to ensure a half empty time of 24 hours for the critical event is provided, or enough volume is provided to contain a 1 in 10 year rainfall event within the storage within 24 hours of the 100 year rainfall event.

- Details of the preferred attenuation crate system and evidence that the system can be constructed as per drawing no. IP16_164_08_SK003.
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.

27. Non Standard Condition - Maintenance Plan for surface water drainage system

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.

28. Non Standard Condition - Bats and Artificial Lighting

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018).

Reason: In order to minimise risk of disturbance of potential features that may provide bat commuting and foraging habitat.

29. Non Standard Condition - Car Electric Charging Points

The reserved matters application/s shall include details to demonstrate provision of at least 1 No. electric vehicle (EV) charging point per dwelling with dedicated parking and at a rate of at least 10% provision for unallocated parking spaces. The EV charging points shall be installed prior to the first occupation of their respective dwellings.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

30. Non Standard Condition - Ecological Mitigation and Management Plan (EMMP)

The reserved matters application/s shall include an Ecological Mitigation and Management Plan (EMMP) including an Implementation Timetable. The EMMP shall include, but not be limited to, the proposed mitigation detailed in the submitted Ecological Assessment. The development shall then be carried out and maintained in accordance with the approved EMMP.

Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

31. Non Standard Condition - Implementation of the approved Traffic Regulation Order

No occupation of the development shall take place until implementation of the approved Traffic Regulation Order FP/234/08/18 and associated works to prohibit vehicular traffic in Dyers Road has been provided or completed

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

32. Non Standard Condition - Spine Road to be completed

No occupation of any dwelling served off the spine road shall take place until a roundabout, the realignment of Dyers Road and Heath Road and part of the spine road at and near the Fiveways junction as shown on planning application drawing number 1629/19 dated March 2019, or such alternative works as may be agreed by the Local Planning Authority in writing pursuant to the submission of details relating to this condition, has been provided or completed

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

33. Non Standard Condition - Spine road to be completed

No more than 150 dwellings served off the spine road shall be occupied until the spine road has been completed and open for use by general traffic between where it meets that part of the spine road to be provided by planning permission reference 152826 and the works specified under requirement 32 above.

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

34. Non Standard Condition - Improvement to the southern arm of the Tollgate West/Stanway Western Bypass

No more than 150 dwellings served off the spine road shall be occupied until an improvement to the southern arm of the Tollgate West/Stanway Western Bypass roundabout as shown in principle on planning application drawing number 1629-TW/WB-01A dated June 2018 has been provided or completed

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

35. Non Standard Condition - Restriction on number of dwellings served by private drive

There shall be no more than five dwellings served from each of the private drives off Dyers Road, unless otherwise agreed, and none of these dwellings shall be occupied until the relevant drive's connection to Dyers Road as shown in principle on planning application drawing number 1629/16 dated June 2018 has been provided or completed

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

36. Non Standard Condition - Details of spine road construction

The spine road shall be laid out and constructed to ensure the following is provided or completed:

- a) As it is likely to be the route of a bus service or services, it and any new bus stops shall be positioned to ensure all dwellings are within 400 metres of it
- b) A minimum 6.75 metre wide carriageway, one minimum 3.5 metre wide footway/cycleway and one minimum 2 metre wide footway

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

37. Non Standard Condition - Travel Plan

The development shall be carried out in accordance with the Travel Plan submitted with the planning application.

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

38. Non Standard Condition - Written Scheme of Archaeological Investigation

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

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

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

CBC Archaeologist will, on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a further trial-trenched archaeological evaluation will be required in advance of the granting of reserved matters (to ensure preservation in situ of any important archaeological remains defined by the evaluation). Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

It is recommended that the applicant undertakes the further trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

39. Non Standard Condition - Drainage Phasing Plan

The reserved matters application/s shall include a Phasing Plan setting out the details of the phasing of the development. Thereafter, the development shall be carried out on complete accordance with the approved phasing plan.

Reason: To ensure the development is phased to avoid an adverse impact on drainage infrastructure.

40. Non Standard Condition - Foul Water Drainage Work

The reserved matters application/s shall include a scheme for on-site foul water drainage works, including connection point and discharge rate. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme Reason: To prevent environmental and amenity problems arising from flooding.

41. Non Standard Condition – Scheme of Improvements

No residential unit hereby granted shall be occupied unless and until a scheme of improvements to A12 junction 26 (the Eight Ash Green junction), similar in form to that shown in outline on Cannon Consulting Engineers Drawing number F/171 rev C dated 24th May 2017, including both the elements labelled ‘committed’ and those labelled ‘proposed’, have been commenced to the satisfaction of the Local Planning and Highway Authorities, in consultation with Highways England.

Reason: To ensure that the A12 junction 26, Eight Ash Green Roundabout, will continue to fulfill its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/13 ‘Planning and the Strategic Road Network’, and to satisfy the reasonable requirements for road safety.

19.0 Informatives

19.1 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. ZTC - Informative on Noise and Sound Insulation Competent Persons

PLEASE NOTE that, with regard to and noise measurement and sound insulation, a competent person is defined as 'someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience'.

4. ZTG - Informative on Section 106 Agreements

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

5 ZTJ - *Informative on Land Contamination Advisory Note*

PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime.

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an "Appropriate Person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes.

The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site.

The Local Planning Authority will provide a Validation Certificate mentioned in the conditions for completion by the applicant/developer. This certificate will not only provide confidence in the site for the local authority in terms of development control and the Part IIA regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process.

6. ZTL - Informative on Air Quality for Outline Permissions

PLEASE NOTE: With regard to air quality assessment, a competent person is defined as 'someone who has demonstrable experience in complex air quality modelling, using current DEFRA approved software applications, with specific emphasis on urban and traffic-related situations'. Their assessment should take full account of the Local Air Quality Management Process including, where relevant, the presence of any Air Quality Management Areas.

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.

8. Non Standard Highway Informatives

In making this recommendation the Highway Authority has treated all planning application drawings relating to the outline element of the planning application as illustrative only

- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 – Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

9. Non Standard 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>