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Item No: 7.2

Application: 183053

Applicant: Mr S Sellers

Agent: Mr Mark Southerton

Proposal: Use of part of approved caravan park for the siting of static caravans

Location: Colchester Holiday Park Ltd, Colchester Caravan Park,
Cymbeline Way, Colchester, Essex, CO3 4AG

Ward: Lexden & Braiswick

Officer: Benjy Firth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been called into Planning Committee by Councillor Willetts on the following basis:

The proposed development is outside the approved settlement area of the urban centre of Colchester. The site of the proposed development is in an environmentally sensitive area containing extensive nature reserves, bounded by the A12 slip road, Cymberline Way, and the developed area of Lexden area.

While part of this area is designated in the local plan for a Caravan site, this is in the context of Policy DM5 of the submitted local plan in regard to holiday lodges, static and touring caravans.

The proposed change of use would appear to migrate use towards a permanent residential site, rather than a use in regard to Tourism, Leisure, Culture and Heritage.

I request that the Planning Committee consider whether residential use would be appropriate at this location.

2.0 Synopsis

- 2.1 The key issue for consideration is the impact that the change in type of unit and the reduction in unit numbers, may have on the surrounding area.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site comprises of part of an existing holiday park that currently accommodates a variety of caravans and tents. The site sits to the west of the town centre, beyond the settlement boundary. The site is bound by the A12 slip road to the north and a local wildlife site to the south. There are two residential properties within proximity to the east.

4.0 Description of the Proposal

- 4.1 This application seeks permission to station a maximum of 85 static caravans within the existing caravan park, in lieu of touring caravan and camping pitches.

5.0 Land Use Allocation

- 5.1 The application site is allocated as a caravan site within the adopted Local Plan.

6.0 Relevant Planning History

- 6.1 Planning permission COL/78/0706 granted permission for the use of the site as a caravan park. This allowed for 251 touring caravans at the site with a variety of restrictions on the duration that different units could stay. Subsequent applications sought to vary and relax these restrictions.
- 6.2 Planning permissions 136183 & 180949 gave approval for 30 static caravans on part of the site, in lieu of 30 touring pitches. Whilst planning permission 160672 gave approval for 12 static caravans on another part of the site formerly used for storage of tourer caravans. Subsequent applications have been approved varying restrictive conditions on these historic permissions.
- 6.3 It is therefore considered the site as it stands is permitted to facilitate up to 42 static caravans and 221 tourers.
- 6.4 Conditions restricting the use of the site have been varied and removed historically on the basis that within the current policy context it is not appropriate or reasonable to restrict the duration or time of year of stays at the site, but rather only to restrict them to a non-permanent residential use.

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
UR2 - Built Design and Character
ENV1 - Environment
- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP10 Tourism, Leisure and Culture

7.4 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.

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 The Council's Archaeological Officer made the following comments:

The proposed development is located within an area of archaeological interest recorded in the Colchester HER. Trial-trenched evaluation was undertaken across part of the red-line area by Colchester Archaeological Trust in September 2016 (CAT report 1024, HER event no. ECC3880). Archaeological features were defined in all but two (T5 and T7) of the trenches. Roman ditches, pits and post-holes were excavated, interpreted as being associated with agriculture or settlement. Large quantities of Roman ceramic building material were recorded and may suggest the presence of a structure with tiled roof and hypocaust somewhere nearby.

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 appropriate archaeological condition is therefore recommended.

- 8.3 The Council's Landscape Officer made the following comments:

The landscape content/aspect of the strategic proposals lodged on 19/12/18 would appear satisfactory. In conclusion, there are no objections to this application on landscape grounds.

- 8.4 The Council's Environmental Protection Team made the following comments:

Should planning permission be granted Environmental Protection wish to make the following comments:-

ZPD - 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.

ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

Boundary

We recommend a 2m high close-boarded fence is erected along any boundary with existing residential property.

- 8.5 The Lead Local Flood Authority made the following comments:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following conditions:

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on ground water level investigations to ensure that there is a sufficient distance between the highest ground water level and the base of the infiltration basins.

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

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

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.

Condition 4

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

Reason

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

8.6 Highways England made the following comments:

Thank you for your consultation dated 20 December 2018. The following application is unlikely to have a severe impact on the strategic road network. We therefore offer no comments in this instance.

8.7 The Highway Authority made the following comments:

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

The development shall not be occupied until such time as a car parking and turning area has been provided for each caravan and for additional visitors. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

9.0 Parish Council Response

9.1 Non-parished.

10.0 Representations from Notified Parties

10.1 The application resulted in four letters of objection from members of the public and three letters of support. The full text of all the representations received is available to view on the Council's website. However, a summary of the material considerations is given below:

- The visual impact of the proposal
- Impact on tourism and the economy
- Potential future use of the site
- Impact on wildlife
- Lack of appropriate infrastructure

11.0 Parking Provision

11.1 The proposal includes one parking space per unit, in accordance with adopted parking standards.

12.0 Accessibility

12.1 The proposal allows for flexibility in the design of individual units and as such units could be designed to meet the varying needs of individual users.

13.0 Open Space Provisions

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

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

16.0 Report

- 16.1 The application site forms part of an existing and approved camping and caravan site, which is allocated as such in the adopted Local Plan. Additionally, the use subject of this application has already been approved within adopted policy and via previous permissions, as such its acceptability is established. The continued use of the site for this purpose, as proposed, is therefore considered acceptable in principle.
- 16.2 The application seeks permission for a maximum of 85 static caravans within the application site and sees a reduction in the area available for touring caravans and tents within the wider site. The remainder of the wider site would be limited to 50 pitches for touring caravans and tents. As a result, the capacity of the site would be varied from 42 static units and 221 other pitches, to 85 static units and 50 other pitches. Said levels of use could be conditioned and would see a marked reduction in the level of use that would be permitted at the site. This would also see a reduction in the number of structures that would be permitted to be present at the site at any one time.
- 16.3 The reduced level of use at the site, would reduce levels of activity within and surrounding the site. This would reduce the number of vehicle movements to and from the site and reduce the impact the existing site and use have on the adjacent local Wildlife site.
- 16.4 The application seeks to allow flexibility in the position and design of the proposed units. This is considered acceptable on the basis that all units remain within the application site and fall within the definition of a caravan, both of which can be ensured by condition. These details are also largely controlled by the caravan act and licencing legislation. It is therefore not considered that relaxing these elements of the permission would cause significant detrimental impact to the surrounding area and as such it is considered acceptable.
- 16.5 An indicative landscaping scheme is outlined within this application, the finer details of which would be agreed by condition. This focuses on the boundary of the site and seeks to mitigate the visual impact of the site on the wider landscape. Additionally, the site is already enclosed by existing natural and man-made features surrounding the site. On this basis, it is considered that the proposal would reduce the visual impacts of the site on the surrounding area.
- 16.6 In light of the above it is considered that the proposed increase in the number of static caravans at the site would have a positive impact on the level of use of the site, thus reducing its impact on the surrounding area, and the proposed landscaping is sufficient in ensuring it would not cause detriment to the site setting from the public realm.
- 16.7 Concerns have been raised regarding the use of units as permanent residences. However, it should be noted that this is not what has been applied for within this application and use of the site will be guarded against by appropriate conditions in accordance with adopted policy.

17.0 Conclusion

- 17.1 To summarise, the use of the site has been established as acceptable for in excess of 50 years and the shift to static units proposed within this application would likely reduce the sites impact on the surrounding area, by virtue of reducing the level of use permitted at the site. The proposal is therefore considered acceptable on balance, subject to appropriate restrictions on the use of the units.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1) ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2) ZAM - Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted 'Location Plan'.

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

3) Non Standard Condition - Archaeology

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).

4) Non Standard Condition - Landscape Management Plan

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

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

5) Non Standard Condition - Landscaping

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

- Proposed finished levels or contours.
- 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.).
- 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.
- Implementation timetables.

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.

6) Non Standard Condition - SUDS

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by suitably qualified person(s) or the Lead Local Flood Authority (ECC) the statutory consultee in relation to SuDS. 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 lpa. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on ground water level investigations to ensure that there is a sufficient distance between the highest ground water level and the base of the infiltration basins.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

7) Non Standard Condition - Drainage During Construction

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

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

8) Non Standard Condition - Drainage Maintenance

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.

9) Non Standard Condition - Drainage Maintenance Log

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

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

10) Non Standard Condition - Tourers and Camping

No more than 50 pitches for touring caravans and tents shall be provided within the area outlined in blue on the Location Plan submitted as part of this application.

Reason: For the avoidance of doubt as to the scope of this permission as this is the basis upon which the application has been submitted and subsequently determined and extension to the site would need to be considered on its own merits at such a time as it were to be proposed.

11) Non Standard Condition - Static Units

No more than 85 static caravans shall be sited within the area outlined in red on the Location Plan submitted as part of this application.

Reason: For the avoidance of doubt as to the scope of this permission as this is the basis upon which the application has been submitted and subsequently determined and extension to the site would need to be considered on its own merits at such a time as it were to be proposed.

12) Non Standard Condition - Size of units

All static caravans on the site hereby approved shall fall within the definition of a caravan as set out within The Caravan Sites Act 1968 (as amended), unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and as this is the basis upon which the application has been submitted and subsequently determined and any larger units would need to be considered on their own merits at such a time as they were to be proposed.

13) Non Standard Condition - Holiday use only

The development hereby approved shall be used solely for the purposes of holiday accommodation and shall not be occupied as a sole or main place of residence. The owners of the application site shall maintain a log of the occupation of all caravans at the site, including dates of occupation, occupiers names and home addresses. Said Log shall be made available for inspection by the LPA upon request.

Reason: To ensure the use of the caravans hereby approved as holiday accommodation as this is the basis upon which the application has been submitted and subsequently determined and any permanent residential use of the site would need to be considered at such a time as it were to be proposed, as this application was considered as being for holiday purposes in the interests of contributing to tourism and the economy of the area.

14) 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.

15) Non Standard Condition - Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

16) Non Standard Condition - Ecology

The development hereby approved shall be conducted in accordance with the submitted Preliminary Ecological Appraisal

Reason: To ensure that any harm to ecological assets at the site is minimised.

17) Parking

Prior to the occupation of each unit hereby approved, one parking space with minimum dimensions 2.9m x 5.5m shall be made available for the occupants of the unit and shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use that unit.

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

19.0 Informatives

19.1 The following informatives are also recommended:

(1) 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) 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>