



Application No: 152730

Location: Land West of, Brook Street, Colchester

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **9th June 2016**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 30/06/2016

MAJOR

Site: Land west of Brook Street, Colchester

Application No: 152730

Date Received: 14 December 2015

Agent: Mr David Symonds

Applicant: Inland Homes

Development: Hybrid planning application comprising of an outline planning permission for the development of 58 residential dwellings (26 x 1 bedroom, 32 x 2 bedroom) together with associated car and cycle parking, landscaping and open space access and servicing arrangements & full planning permission for the change of the former Rectory building to C3 (residential) to provide 5 residential dwellings (5 x 2 bedroom) and new build (1x 1 bedroom and 2 x 2 bedroom) together with associated car parking, access and servicing arrangement.

Ward: New Town

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

Introduction

This application was deferred at the meeting on 26 May 2016 for officers to seek revisions to provide a greater number of parking spaces to achieve compliance with adopted standards. A revised plan has been submitted which indicates a further 24 parking spaces making a total of 118. This is only 4 less than the adopted parking standard. Ten additional spaces are

provided within the proposed parking courts and fourteen are parallel spaces along the access road opposite the buildings. The latter will require a small retaining wall.

As the main application is an outline application it is proposed to add a condition requiring the provision of a total of 105 spaces, (13 are proposed for the full application) which will ensure this number of parking spaces are provided but will allow a degree of flexibility in terms of their exact location when the reserved matters application is submitted. The unallocated spaces will be available for use by residents/visitors in properties on both the outline and full application site.

The previous report to members is set out below. The only amendments relate to the references to parking spaces in **bold text**, section 11.0 Parking Provision in **bold text** and an additional condition requiring the provision of 105 parking spaces on the outline application also in **bold text**. The recommendation is unchanged.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application and material objections have been received. In addition, a legal agreement is also required.
- 1.2 The application has been called in to committee by Councillor Theresa Higgins for the following reasons:-

"I object on the grounds that the road onto Brook Street is unnecessary. The last application for a new junction in Brook St was refused on air quality issues. These have not changed significantly to warrant a new junction and it poses a risk to the area. New Town needs more houses with three bedrooms, this proposal does not have any. There is an access from Magdalen Street that has not been in use but it does exist. This is the correct access for this application.

I also object on the grounds that a restricted level of parking is being suggested. The present New Town Ward does not have enough parking space. It may be situated near the town centre but this should not be the reason why the correct amount of parking should not be provided. The town station has NO trains on a Sunday."

2.0 Synopsis

- 2.1 The key issues explored below are land use allocation and adopted policies and guidance, the development proposal, planning history, air quality and access and parking provision. The viability of the scheme will also be addressed in so far as it relates to necessary planning contributions towards infrastructure. The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended, subject to the completion of a legal agreement.

3.0 Site Description and Context

- 3.1 The site is 1.84 hectares and can be divided into two elements; Brook Street and the Former Sidings.

Brook Street

- 3.2 This part of the site has a frontage of approx. 75metres onto Brook Street. It includes land previously owned by British Rail with a narrow frontage to the road and land which until recently was owned by Essex County Council. The Essex County Council part contains a former rectory, a locally listed building, last used as a day care nursery and community resource centre. It includes vehicular access leading to a parking area. There are a number of trees on the site particularly along the boundaries and a mature Holme Oak close to the car park. The land is elevated above road level. The British Rail part of the site is overgrown and has a wall along the front and side boundary the latter abuts residential property on the site of the former St Mary Magdalen Church.
- 3.3 The rear boundary of this area abuts land known as the “Former Sidings” which comprises the second part of the site and is described below.

The Former Sidings

- 3.4 As the name suggests this land was former railway sidings and the Hythe to Colchester Town railway line forms the north boundary of the site. The south and west boundaries abut residential development, known as South Central, along George Williams Way. The east boundary abuts the Brook Street part of the site described above and at this point there is a steep bank down to the sidings land.
- 3.5 When the land was formerly used as rail sidings it was accessed from Magdalen Street. The internal road is still visible and extends close to the south boundary and then turns through 360 to serve land which is at a lower level. The access from the site to Magdalen Street is in the applicants’ ownership but it does not form part of the application site. Since use of the sidings ceased the residential development known as South Central has been constructed around the sidings road and forms an amenity area to this development but has been reserved should it be required to provide an access.
- 3.6 Topographically, the land is split into two comprising an elevated upper level to the south, west and east and a lower section to the north.
- 3.7 A public right of way extends along the south and west boundaries and connects to a footpath at Simons Lane leading to Magdalen Street and a pedestrian foot bridge over the railway line connecting to Priory Street and the town centre. The footbridge is elevated above the site.
- 3.8 The site is overgrown and includes small areas of woodland, grass, scrub and small ponds.
- 3.9 The application site is in a sustainable location owing to its proximity to Colchester Town Centre: the town station is a walk time of approx. 5 minutes to the bus station approx. 7 minutes and 10 minutes to Culver Square.

4.0 Description of the Proposal

- 4.1 This planning application comprises two elements; full planning permission is sought for the Brook Street part of the site and outline planning permission for The Sidings. Whilst this hybrid type of application is not common; it is nevertheless an acceptable form of application particularly as in this case a change of use of an existing building is involved (it is not possible to have an outline change of use).

Full Application

- 4.2 The full application involves the change of use of the former rectory to 5 No. 2-bed flats and the erection of a new building comprising 3 no. units with a 1-bed and a 2-bed on the 1st floor and a 2-bed unit on the 2nd floor. Parking for 9 cars is provided on the ground floor for the residents of both buildings. Four visitor parking spaces are provided along the new access road; a temporary location for these spaces is also indicated (if required). Nine cycle racks are indicated
- 4.3 The buildings will be located either side of a new access road which will be cut into the site to deal with the change in ground levels.

Outline Application

- 4.4 The outline application proposes the erection of 58 residential units. This element comprises 26 no. 1-bed and 32 no. 2-bed flats. A linear development is proposed with a series of buildings fronting onto the new road. The proposed buildings are 3-4 storeys in height with parking courts between. Whilst the application is in outline, the details of the access, layout and scale form part of this application. Appearance and landscaping will be the subject of the reserved matters application. A 12m buffer zone is indicated parallel to the railway line.
- 4.5 Eighty one parking spaces, **amended to 105**, are proposed and 64 spaces for cycle parking.
- 4.6 A footpath/cycleway is proposed through the site linking to Brook Street and Magdalen Street via George Williams Way. Public open space, landscaped areas together with new landscaping and ecology enhancements are proposed.
- 4.7 The following documents are submitted with the application:
- Planning Statement
 - Design and Access Statement
 - Statement of Community Involvement
 - Archaeology Assessment
 - Ecological Appraisal
 - Air Quality Assessment
 - Noise Assessment
 - Heritage Statement
 - Geo-Environmental Assessment
 - Landscape Design Statement, Arboricultural Impact Assessment and Method Statement and Landscape Masterplan

- Flood Risk Assessment
- Transport Assessment
- Sustainability and Energy Assessment

5.0 Land Use Allocation

- 5.1 East Colchester Special Policy Area: The site is allocated for redevelopment comprising residential development with site access improvements.
- 5.2 The Magdalen Street Rail Sidings Development Brief Adopted August 2014 (an extension to the Adopted Magdalen Street Brief February 2014)

6.0 Relevant Planning History

- 6.1 112446 Application for a new planning permission to replace extant planning permission 081794 for new vehicular/pedestrian junction to Brook Street to provide future access to residential development at the former railway sidings. Resubmission of 11157 Refuse - 07/03/2012
- 6.2 111570- Application for a new planning permission to replace extant planning permission 081794 for new vehicular/pedestrian junction to Brook Street to provide future access to residential development at the former railway sidings. Withdrawn - 17/10/2011 as the application was not accompanied by an air quality assessment or an arboricultural assessment.
- 6.3 081794 New Vehicular/pedestrian junction to Brook Street to provide future access to residential development at the former railway sidings. Approve Conditional - 22/12/2008
- 6.4 O/COL/05/0241 Provision of new road/pedestrian junction to Brook Street for future access to residential development at the former railway sidings. Approve Conditional - 12/10/2005
- 6.5 152705 Erection of 4no.1 bedroom flats and 2no.1 bedroom maisonettes and associated parking; land between", 145a-151 Magdalen Street, Colchester. Application approved 4th February 2016.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

- SA H1 Housing Allocations
- SA EC1 Residential development in East Colchester
- SA EC2 Development in East Colchester
- SA EC5 Area 3: Magdalen Street
- SA EC8 Transportation in East Colchester

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
- Backland and Infill
 - Community Facilities
 - Vehicle Parking Standards
 - Sustainable Construction
 - Open Space, Sport and Recreation
 - The Essex Design Guide
 - External Materials in New Developments
 - Affordable Housing
 - Archaeology and Development Strategy
 - Sustainable Drainage Systems Design Guide
 - Street Services
 - Planning Out Crime
 - Development and Public Rights of Way
 - Air Quality Management Guidance

Magdalen Street Rail Sidings Development Brief Adopted August 2014
Adopted Magdalen Street Brief February 2014

8.0 Consultations

- 8.1 Network Rail has submitted a list of detailed comments that the developer needs to adhere to. *Officer comment this will be set out in an informative*
- 8.2 Landscape Officer It was noted during off-site inspection of the site that tree cover appeared to indicate wet/saturated soil conditions to the lower (sidings) area. This was compounded by sight of a stream to the western end of the site that appeared to be flowing, this further indicating potential high water levels within the site. Given this, moisture loving shrubs & trees need to be agreed as forming the principal cover to the lower lying areas of the site below the escarpment. There are no Planning Projects Team objections to this application on landscape grounds provided it is confirmed that moisture loving shrubs & trees will forming the principal cover to lower lying areas area of the site below the escarpment. Officer comment : moisture loving shrubs and trees relates to the outline part of the application and the landscape condition will make reference to this requirement.
- 8.3 Arboricultural Officer has no objection
- 8.4 Archaeological Officer: Comments "The Desk Based Assessment submitted with the application states that archaeological impacts through construction of the former railway sidings are severe and widespread, removing all archaeological assets across 90% of the site, which required a 4m+ reduction in ground level. However, it does conclude there might be some potential for unknown undesignated archaeological assets in the eastern area of the site, fronting Brook Street – although it also states the potential for the occurrence of assets dated prior to the Post-Medieval/Modern period to be low/nil. While, undoubtedly, there has been significant truncation and terracing of the site, as a result of the construction of the railway siding in the first quarter of the 20th century, a geotechnical borehole undertaken to the west of this site, and in a similar topographic setting, defined deep waterlogged archaeological deposits (at a depth over 4m below the current ground level). The borehole's location is likely to be close to the course of a stream (a minor tributary of the River Colne) shown on John

Speed's 1610 map of Colchester, and this may account for the unusual depth of organic material encountered here. Consequently, it should not necessarily be assumed that the terracing will have removed all archaeological assets on the current site and there is still some potential, both for archaeological and palaeoenvironmental deposits, to be preserved.

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

- 8.5 Natural England: Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

Impacts to Invertebrates and their Habitats

Natural England has produced standard advice for use by local planning authorities in Essex. This advice can be used to assist your authority and applicants in determining whether the open mosaic s41 habitat and s41 invertebrate species are reasonably likely to be present on, or in the vicinity of, the development site, and how we advise that these are considered in the planning process.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR)

the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

- 8.6 Environmental Protection has no objection subject to conditions
- 8.7 Contaminated Land Officer This submitted report is acceptable for Environmental Protection purposes. The assessment has identified some potential sources of contamination and has recommended further investigation and assessment (including delineation of hydrocarbon impacted materials and additional ground gas monitoring) and completion of a Remedial Strategy.
However, based on the information provided, it would appear that the site could be made suitable for the proposed use, with the appropriate investigative and remedial actions being dealt with by way of conditions.
- 8.8 Highway Authority From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.
- 8.9 CBC Air Quality Officer: Colchester Borough Council as the relevant planning authority has a duty in decision making to achieve compliance with limit values for pollutants. Currently breaches of the air quality objectives occur at residential receptors near to the proposed development, and the air quality assessment identifies that the development may further extend time to achieve compliance with air quality legislation.

However no objection is raised subject to the developer implementing a scheme of mitigation to enable this proposal to be acceptable on air quality grounds the detailed wording of a condition is set out which should be applied.

8.10 Urban Design Officer

Outline Application

This is a sensitive site, where the scheme has improved significantly through pre-application dialogue. I would generally support the submitted application, though only subject to conditions and minor amendments

Height and Massing: The building footprints, height and massing appear appropriate for the context, actively framing streets and spaces, and reasonably protecting significant areas of landscape and views from neighbouring development.

Access and Car Parking: There are no ideal options for providing vehicular access needed to regenerate the site, though on a positive note this is one of the last remaining sites in the area. I would support the choice of Brook Street (over George William Way), given this is likely to have significantly less detrimental impact on existing residents and areas of landscaping. Allocated car parking is now predominantly tucked out of public view and well contained with reasonably landscaped parking courts, though at the detailed level this slightly leaks untidily into public view. Visitor parking is appropriately provided on-street within the development. In principle I would back the proposed reduced parking standards, which is consistent with Section 2.5 Urban Areas of the Essex Parking Standards considering proximity to the town centre and the need to encourage more sustainable forms of mobility considering local congestion issues. I understand car parking is a sensitive issue locally, where the George William Way scheme is known to have issues and is often used to evidence the need for applying (non-urban) default standards. However, George William Way was developed at a parking ratio of 0.6 spaces per dwelling (i.e. approximately half of what is being offered here), excessive parking would conflict with adopted place-making policy and would require further greenfield land to be allocated for housing to offset the linked loss of units. The balance of issues highlights the need for any reduced provision to be more clearly justified and mitigated, e.g. (i) clear evidence of car ownership levels in comparable locations, (ii) a suitable proportion of spaces to be unallocated (catering for average car ownership levels) and, (iii) improved foot and cycle access with the town centre. (see below). Another key outstanding issue is the need to suitably provide a key missing section of the strategic cycle network guaranteed as part of the application and justifying the reduced car parking, i.e. linking Town Station and Brook Street (running through the site and to the east).

8.11 Anglian Water

ASSETS

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. "Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the

owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

WASTEWATER SERVICES

Wastewater Treatment

The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network

Development may lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to confirm an agreed pumped rate.

We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as the planning application states that infiltration will be used to drain surface water, whereas the FRA states that a connection will be made to the public surface water sewer.. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We will request that the agreed strategy is reflected in the planning approval

Trade Effluent

Not applicable

Suggested Planning Conditions

Anglian Water would therefore recommend a planning condition if the Local Planning Authority is mindful to grant planning approval.

- 8.12 ECC SuDS: As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015. In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the resubmitted Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and other documents submitted with this application are implemented as stated.

8.13 Environment Agency has confirmed the application falls outside of their remit

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 numbers of support (2) /objection (16) and issues raised

10.2 Objection comments

1. Residents in 16-19 Magdalen Green will lose our privacy and have overlooking in to our gardens. Officer comment: amendments to the Brook Street elevation include the removal of the windows in the side elevation which have the potential to overlook and conditions will prevent new windows being inserted
2. Traffic issues
 - 2.1. The increased traffic generation will have an adverse impact on an already very busy and congested road i.e. Brook Street.
 - 2.2. Magdalen Street and Brook Street do not have the capacity to accommodate further traffic and have been pushed beyond acceptable levels by more recent developments
 - 2.3. A large number of School parents and children walk down the side of the road where the entrance is supposed to be. The site entrance will be close to the other entrances and the entrance to businesses opposite making it even more dangerous for the school run up and down the hill
 - 2.4. Existing parking issues within residential streets
3. Lack of amenities Building program over the past 10 years has put an unacceptable level of pressure on health services, education and roads. Colchester cannot support more people without considerable investment in hospital, GP, schools and infrastructure.
4. The development appears to limit the potential for the development of the railway into the Town Centre and would limit it to its current level.
5. Air Quality
 - 5.1. No development should take place in this town centre area until the County Council and Borough Council have put in place measures to reduce air pollution and congestion.
 - 5.2. Air pollution is still above EU maximum.
 - 5.3. More pollution in both Brook Street and Magdalen Street already one of the worst polluted areas in Colchester with the overload of traffic queuing up morning and evening rush hours and most of the time in between. Whilst the site was previously identified with potential for residential development traffic congestion and resulting worsened air quality mean that the risks of public health would be intolerably increased by such a sizeable development. Both Magdalen Street and Brook Street already suffer traffic congestion and poor air quality. Neither has the capacity to be worsened

- 5.4. This area is struggling under the weight of residential and through traffic already. It is under measures to reduce pollution so how can adding more cars and 90 central heating boilers help with this
- 5.5. The comment (in the applicants report) that this development will have negligible impact is an insult to the residents who have to breath the air daily Year on year traffic has increased in both directions in Brook Street with queuing now for over 6 hours daily Monday to Saturday.
6. Wildlife - loss of important urban space for wildlife the developer should agree to provide appropriate offsets, including extra space for wildlife sites, maintenance and maybe regular litter-picks of local wildlife sites.
7. Drainage & Flooding (the area proposed to be built on serves as a natural drain and run off. Building on it will increase water run off on to surrounding homes and increase flood risk further down hill).
8. Noise and disturbance from construction resulting in dust and hazardous materials.
9. Development is in contradiction of the local development framework for Colchester: This development jeopardises an area that should be reserved for future transit options (Policy SA EC5 Area 3: Magdalen Street) Building here will further increase risk of localised flooding and increase run-off (instead of absorption) causing further problems downstream/downhill (Policy SA EC2). The need for a pumping station only highlights the unsuitability of this land for building. This development reduces green space - it doesn't increase it. If the argument is to create further open spaces for the local community (referenced throughout the local development framework) then this area should be a park, not a housing estate.
10. Application was cynically submitted the week before most people and businesses closed for Christmas. This application should be stopped until proper consultation has taken place
11. Concern expressed that many residents of George Williams Way will not provide feedback on the proposals as many of the properties are rented; tenants will not be concerned and the landlords will not be unduly concerned as they do not live in their property.
12. Archeological some historical remains exist given the long history of urbanisation since Roman times, notwithstanding construction of the railway.
13. The applicant, has highlighted Asbestos on the site

10.3 Support Proposal

1. It will certainly tidy up a bit of scrub land. It would be nice to see a children's play area included as there is not one in the local vicinity. The site has been left undisturbed since the creation of the George Williams Way site and, therefore, many trees/bushes/plants have been left to flourish - creating a truly natural habitat for various wildlife, including birds. I was relieved to be informed that the proposed development would only encompass 1/3 of the site and that green areas would be retained and that the area of land on the other side of the railway tracks to the proposed development would be left completely untouched. These wild green areas should receive no, or very minimal, interference/maintenance so these areas can continue to provide a much-needed habitat for the wildlife within Colchester town
2. Emphatically support the vehicular access coming from Brook Street (to the west) rather than from George Williams Way. The gravel access path which it was initially proposed by the Council would provide the vehicular access to the proposed development site would not be viable to be used for vehicles. This

path leads straight through the central area of the George Williams Way site, which is essentially a focal point for the site, providing a welcome green and open outlook, if this was used it would not be the quiet and safe area it is now. George Williams Way is a particularly narrow road with inadequate allocated parking creating severe difficulties in relation to parking especially as many of those who park down the road during the day are workers/commuters and shoppers. Cars are parked on both sides of the road and despite drivers generally parking with 2 wheels on the pavement, this does not leave sufficient space for lorries and emergency vehicles to access the site at all or without great difficulty, and children in prams have to be pushed in the middle of the road. A residents parking scheme should be considered.

10.4 Colchester Cycling Campaign objects to this proposal in its current form (comments summarised). We are disappointed to see that the Dutch company (Haskoning) engaged for the traffic survey has not been more imaginative in providing high-quality cycle routes to and from this site.

- the report notes that the site is near the Wivenhoe Trail at East Bay ... but how to get there? Should people take their bikes on their cars?. A 94-page document pays lip service to cyclists and pedestrians but has screeds on traffic-light and junction configurations. It notes that there have been no inherent highway safety issues in Brook Street, could it be because all except the most hardened cyclists are scared to use that road because of the speed/traffic levels, and people only walk it if they have to?
- We are disappointed to see no formal response from ECC Highways (from documents on site, Jan 3). We hope that any eventual submission will give due weight to the county's own draft cycling strategy. CCC would like to see the developer come up with a scheme that includes:
 - a) a direct connection using a toucan crossing (separate to the roundabout) to connect with a path to the Wivenhoe Trail via the land to the east of Brook Street (a substandard path has been provided as part of a previous planning application)
 - b) segregated paths, not shared use
 - c) a cycle connection to the town centre that passes to the front of the proposed new homes
 - d) a connection with Magdalen Street via the land that has been left open for that purpose
 - e) an investigation into the feasibility and part-funding of a new cycle/pedestrian railway bridge to connect to Rosebery Avenue, with measures to increase subjective social safety
 - f) a deal with one of the locally based car hire firms to provide a car club on the site for residents, to take up 20 of the 80 spaces (car hire, not van hire).

CCC would be happy to work with Haskoning to try to improve this scheme.

11.0 Parking Provision

11.1 A total of 94 parking spaces, **amended to 118**, are proposed for 66 units.

11.2 The outline application proposes 26 1-bed and 32 2-bed flats and the full application 7 2-bed and 1 1-bed. The adopted parking standards indicate 1 space for a 1 bed dwelling and 2 spaces for a 2 bed. The visitor parking standard is 0.25 space per dwelling. The cycle parking standard is a covered space per dwelling

- 11.3 The outline proposal requires a total of 105 spaces to satisfy the adopted parking standard 90 for the flats and 15 visitor spaces. Eighty one spaces are proposed 1 per unit and 23 visitor spaces, **105 spaces are now proposed.**
- 11.4 To meet the adopted standard the full application requires a total of 17 spaces 15 for the flats and 2 visitor spaces. Thirteen spaces are proposed 1 per unit and 5 visitor spaces.
- 11.5 The parking Standards document also states “Reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport. The development proposes 1 space for each flat. The visitor parking proposed exceeds the standard, as these spaces will be unallocated they give greater flexibility for parking within the site. It is difficult to imagine a more sustainable location for residential development given its proximity to the town centre with its range of facilities and transport links; a reduction in the parking standard is considered appropriate in this location.
- 11.6 Provision is made for 73 cycle spaces.

12.0 Open Space Provisions

- 12.1 The masterplan submitted with the outline application indicates an area of public amenity space of 600 square metres, native scrub retained on the slopes along south boundary an area equivalent to approximately one third of the total site area.
- 12.2 The flats in the retained building will have a substantial communal amenity area well in excess of the 25 square metre per unit policy requirement and the flats in the new build will each have a private sitting out area well in excess of the 5 square metre balcony requirement

13.0 Air Quality

- 13.1 The site is within the Air Quality Management Area. An Air Quality Assessment has been submitted with the application which has been assessed by Environmental Protection and their specialist, no objection is raised subject to a condition requiring electric charging points

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that the following Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.
- Affordable Housing: 20% on-site provision
 - Education:
 - Open Space, Sport and Recreation
 - Community Facilities
 - Improvements to off-site footpaths/cyclepaths
 - CCTV on the footbridge

- 14.2 Following confirmation of the planning obligations required, the Applicant submitted a Viability Appraisal, which concluded that the development would be unviable should the obligations be met. Paragraph 173 of the NPPF states that 'pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.' Therefore, issues surrounding the viability of the scheme need to be assessed and taken into consideration.
- 14.3 The appraisal underwent an Independent Viability Review by the District Valuation Service (DVS) who agreed that the development would be unviable if planning obligations were pursued.
- 14.4 The application has therefore been re-considered by the Development Team and whilst they accept the DVS report it is considered a mechanism for reviewing viability is required as costs could change as and when the site is actually developed leading to a potential surplus over and above the developer's cited profit of 17.5%. The applicant has agreed to a review mechanism which will be secured in a legal agreement.

15.0 Report

Relevant History and Planning Policy

- 15.1 In 2005 and 2008 planning permission for a new vehicular/pedestrian junction onto Brook Street to provide future access to residential development at the former railway sidings was approved. This involved the land owned by British Rail described in the site description. In 2011 an application reference, 112446, to renew the 2008 planning permission was refused planning permission for the following reason:

Planning Policy Statement (PPS) 23: Planning and Pollution Control advises that '...any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use...' The PPS requires that '...local planning authorities must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts...' The PPS highlights the importance of the precautionary principle when considering potential impacts on the environment and requires that '...pollution issues should be taken into account as appropriate in planning decisions (having regard to development plan documents and all material considerations)...Local Planning Authorities must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts...' Leading on from this, Policy DP1 of the Local Development Framework Adopted Development Policies (Adopted October 2010) requires inter alia that '...All development must...avoid unacceptable impacts on amenity...Development proposals must demonstrate that they...protect existing public and residential amenity, particularly with regard to...pollution...' Following the previous grant of planning

permission for this development in 2008 the application site has been included within an Air Quality Management Area (AQMA)(Area 1) as defined by Colchester Borough Council. The Council considers that to grant planning permission for the proposed road, without the full impact of the development on the land it would serve on the AQMA being known, would be premature and contrary to the requirements of the identified Planning Policy Statement and the relevant Development Policy. The Council is also mindful that the cumulative effects on the AQMA of the approved development on the opposite (east) side of Brook Street are not known at this time.

- 15.2 It is important to note that the refusal reason does not say any development would have an adverse impact on air quality; the issue was that the application related only to an access with no indication of the scale of development it would serve. It was considered that to permit the access in isolation would be premature until the full impact of the associated development could be assessed. This application proposes a specific number of dwellings and bedrooms and the impact of the development has been assessed.

Principle of Development

- 15.3 Within the adopted Core Strategy policy SD1 identifies the “East Growth Area” (which includes the site) as a strategic area for new development. Policy H1 confirms that housing development will be focused in strategic areas, to meet the Borough’s housing target. The site also has a specific allocation within the adopted Site Allocations Development Policies Document where the site forms part of “Land to North of Magdalen Street”, and allocated for ‘predominantly residential’ development under policy SA EC1. The site is also within “East Colchester Special Policy Area 3” (Magdalen Street) – policy SA EC5. Here, housing development will be extended and consolidated, and other small scale uses that are compatible with overall housing proposals will be permitted. In addition, the policy confirms that land will be safeguarded adjacent to the railway line, in order to provide for a future transit link (ETC) and will also include footpaths and a cycleway.
- 15.4 Policy SA EC8 refers to ‘Transportation in East Colchester’, and confirms that land will be safeguarded for the transit link between Colne Causeway and Recreation Road, and alongside the south of the railway from Hythe Station (Station Road) to Colchester Town. Supporting paragraph 5.80 confirms that the exact requirements of safeguarding shall be agreed on a site by site basis either within an agreed Development Brief.
- 15.5 The development of the site for residential purposes is therefore acceptable in principle. One of the core planning principles set out by the National Planning Policy Framework (NPPF) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The application site is brownfield land, so its redevelopment would be encouraged, subject to material planning considerations.

Site Brief

- 15.6 A Brief for Magdalen Street Rail Sidings was adopted in August 2014. The Brief identifies the significant change in levels and concludes creating a level site would not be viable. In terms of air quality it states that both Brook Street and Magdalen Street form part of an Air Quality Management Area and that any application must be accompanied by a detailed air quality report. The Brief proposes residential development and suggests the site could accommodate circa 70 units. Access is proposed off Magdalen Street because there was no certainty that the land owned by ECC would form part of any application.
- 15.7 The Brief indicates buildings 2/3 storeys. It recommends the retention of woodland on the east and south embankments, safeguarding a 12m strip for the rapid transport link and improved pedestrian and cycle links.
- 15.8 The application proposes 61 dwellings, building heights range from 2-4 storeys the 4 storey element is limited and whilst this exceeds that refers to in the brief it will not adversely affect either residents or public amenity. The application includes improved pedestrian and cycle links and retains the required 12 m buffer strip
- 15.9 Whilst the Brief indicates access onto Magdalen Street the application proposes access onto Brook Street. Providing access onto Magdalen Street involves land which passes between residential properties off George Williams Way then crossing this road passing close to other dwellings and then joining Magdalen Street. The land, then owned by British Rail, was reserved for potential access when the South Central development was constructed. These properties have been occupied for several years and residents are used to this land providing an amenity open area. The use of this access would also add further traffic to George Williams Way and ultimately onto Magdalen Street which is also in the Air Quality Management Area.
- 15.10 This application has to be determined on its planning merits and the access from Brook Street is acceptable to the Highway Authority in matters of highway safety and to Environmental Protection in respect of impact of the AQMA.

Layout and Design

Full Application

- 15.11 A new building is proposed fronting Brook Street which will enhance the street scene. A traditional design is proposed with a pitched slate roof and brick elevations and will complement existing development. The change of use of the former rectory building involves minimal changes externally as the conversion involves mainly internal works conversions works. Unsightly metal railings will be removed. The car park will be removed and the area landscaped this will enhance the setting of the building and mature oak tree. The new access from Brook Street is between the two buildings.

Outline Application

- 15.12 Design will form part of the reserved matters application. A linear form of development is proposed with a series of buildings fronting the new road and the landscaped embankment. Parking courts are proposed between the buildings and will be generally screened from public view. Visitor parking is shown in front of the buildings **and along the access road**. The layout plan also shows substantial areas retained as amenity land, open space, wetland and new habitats. A cycle path footpath is proposed on the line of the existing internal road linking to existing footpaths. It is considered that the site can satisfactorily accommodate the level of development proposed and a condition will restrict the outline planning permission to the number and mix of units proposed.

Scale, Height and Massing

Full Application

- 15.13 The new building is 3 storeys in height but as the lower storey is set into cut ground it appears as 2 storey height from the road and roof line is lower than the adjacent residential development. It is of a domestic scale and mass which reflects the adjacent rectory and other new developments facing Brook Street.

Outline Application

- 15.14 The massing reflects the context of the site and buildings in the South Central development. The buildings are mainly 3 storeys high with a small element of 4 storey building.

Impact on the Surrounding Area

- 15.15 The visual impact of the proposal is considered to be relatively minimal; the ground level of the sidings is lower than nearby development and the new building fronting Brook Street compliments existing buildings. Whilst the development will be visible from the public right of way and pedestrian bridge over the railway it will improve the outlook from these paths and make pedestrians feel safer. The development will not have an impact on the surrounding area as residential use is compatible with surrounding uses. (Issues relating to traffic and air quality are considered below)

Impacts on Neighbouring Properties

Full application

- 15.16 Windows in the side elevation on the upper floors of the new building which could have resulted in overlooking issues have been removed. A condition will be imposed removing permitted development rights to insert new windows. Amendments also include a higher screen wall to a first floor external amenity area. The potential for the development to have an adverse impact on neighbouring amenity has therefore been overcome by the amended plans.

Outline application

- 15.17 This part of the site is at a much lower ground level than adjacent dwellings in George Williams Way and the new buildings are remote from existing residential properties. Section drawings have been submitted and these will form part of the committee presentation. There will be no adverse impact on neighbouring properties. A condition relating to maximum storey heights of buildings will be imposed. There will be no loss of privacy or overlooking and Council policies and guidance in the Essex Design Guide are satisfied.
- 15.18 The greatest impact upon neighbouring properties is likely to be during the construction phase of development and to minimise any impact a condition requiring a construction management plan will be imposed.

Amenity Provisions

- 15.19 The private amenity areas for the proposed development are described above. The buildings on the former Sidings involve approx. 1/3 of the site area with the remainder forming amenity space. The development of this derelict area will enhance public amenity. In particular it will enhance the use of the adjacent footpaths and footbridge as it will provide natural surveillance to these public areas

Highway Issues

- 15.20 The new road from Brook Street will serve both the full and outline development and this access forms part of both applications. To construct a road at a suitable gradient to deal with the change in ground levels cut and fill is involved. The ground level will be cut at the Brook Street frontage with ground level for the existing and proposed building retained. An access will be cut into the bank to serve the parking spaces in the proposed building. The steep bank between the two parts of the site will be filled and the road gradient to the area of former sidings. Cross sections through the road have been requested and submitted and these indicate the change in ground levels can be accommodated with only limited use of low retaining walls and also that ground levels surrounding the mature oak tree will be unaffected. The sections will form part of the presentation to members.
- 15.21 The access would serve both the full and outline elements of the application. Once full planning permission is granted this development could be implemented immediately but the outline application would require the submission and approval of reserved matters. Should the full planning permission be implemented prior to the reserved matters the access and section of road from Brook Street, a temporary area for visitor parking and turning facility, would be required and these matters are secured by condition.

15.22 The applicant has asked for the following to be taken into consideration in respect of the proposed access:-

“We also wanted to set out some of the background to the access position. Following a review of the site and its surrounding area, the Applicant team identified a number of site constraints and opportunities which informed the overall design development process. As part of this, it was established that direct access could be achieved from Brook Street, and it was considered that this design approach represented the best solution for the site.

In particular, we note:-

- That the proposed access off Brook Street would enable a gradual gradient into the site allowing a serviceable road
- Access from Brook Street opens the currently underutilised site for development, ensuring that it's potential and developable area are maximised
- An Alternative vehicle access proposal from George Williams Way gives rise to serious concerns with regard to the impact upon the residential amenity of adjacent residents by reason of noise, and disturbance
- The application proposals have demonstrated that there would be no impact to air quality with this proposed access, and as such the Council's Environment team have no objection; and
- Access from Magdalen Street would also significantly compromise the proposed public landscape and ecological areas within the scheme.
- The vehicular and pedestrian access have been designed in discussion with and agreed in principle with the LPA / Highways”.

Air Quality

15.23 The application includes an Air Quality Assessment which has been considered by the specialist consultant used by Environmental Protection. This document considers impacts on air quality during the construction phase and post construction. The modelling assessment predicts a negligible impact on both Nitrogen Dioxide and Particulate Matter 10 concentrations as a result of traffic generated by the proposed development. Environmental Protection has consulted their specialist and the response is set out above no objection is raised subject to a condition requiring electric car points.

Drainage and Flood Issues

15.24 A Flood Risk Assessment incorporating Surface Water and Foul Water Drainage Strategy Report has been submitted in support of the application. Whilst the site is development is in Flood Zone 1 as it exceeds 1 hectare a site specific Flood Risk Assessment is required The Flood Risk Assessment demonstrates that the proposed development can be safeguarded against the risks from the primary sources of flooding for its lifetime and not exacerbate flood risk to neighbouring development. The residential development footprint is in Flood Zone 1 which classifies the site as having a low probability of fluvial flooding. It is therefore precluding the necessity for Sequential or Exception Testing and is deemed to satisfy the NPPF. The conceptual surface water drainage strategy is based on Environment Agency requirements and has demonstrated that the site development proposals can cater for storm events up

to and including a 1 in 100 year plus 30% climate change by way of a Sustainable Drainage System. The foul water drainage strategy proposal would offer an on-site foul sewer network with a proposed pumping station that will convey the development's foul flows to the existing Anglian Water foul network at Brook Street. The proposed adoptable sewers and the new connection of the foul drainage system from the development will be subject to Section 106 Agreement in accordance with the Water Industry Act with Anglian Water.

- 15.25 The development proposals will adhere to the FWMA through the provision of SuDS as a fundamental element of the surface water drainage system.
- 15.26 Whilst Essex County Council Essex County Council, as the Lead Local Flood Authority (LLFA as lead drainage authority originally objected to the application following the receipt of further details and clarification they withdrew their objection. Anglian Water has raised no objection subject to a condition and the environment agency has confirmed the proposed development falls outside their remit.

Ecology/Landscaping

- 15.27 The site is overgrown and contains a variety of habitats and landscape features. The new buildings cover only part of the site and woodland and embankments will be retained and enhanced. The application includes draft proposals for significant landscaping and creation of new habitats. These include native tree planting and retention of existing trees, a pond, wildflower areas, areas of scrub, sandy scrapes and the provision of bat, insect and bird boxes, information boards, bee houses and deadwood piles.

Heritage Assets

- 15.28 The former rectory is a locally listed building and is retained as part of the development proposal. There is little change to its external appearance with the main alterations comprising the internal conversion works. The retention of this building is welcomed and the proposed works are acceptable. The removal of the hard surfaced parking area next to the building will improve its setting. The application documents include an Archaeological Assessment which has been considered by the Councils Archaeologist his comments are detailed above with no objection being raised to the application.

Contamination

- 15.29 Due to previous uses of the site, a Preliminary Environmental Risk Assessment was submitted as part of the application to ascertain contamination risks. The Council's Contamination Officer is satisfied with the content of the report and has no objections to the proposed development subject to conditions.

16.0 Conclusion

- 16.1 The application involves the development of a brown field site in a highly sustainable location. The site can accommodate the scale of development proposed. The development retains a locally listed building and will provide a new footpath and cycle link as well as providing surveillance to existing paths. Substantial areas will be retained for amenity space and the existing landscape features will be enhanced and

new habitat and ecological measures implemented. Part of the site is safeguarded for a possible transport link. Whilst the site access is onto Brook Street which is within the Air Quality Management Area no objection is raised by the specialist consultant. Magdalen Street is also within the Air Quality Area. The application is considered acceptable, it complies with planning policies and Government guidance all consultees have raised no objection. Permission is recommended subject to the legal agreement and conditions set out below.

17.0 Recommendation

- 17.1 APPROVE 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 Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:
- A review mechanism in respect of financial viability
 - Provision of a private management company
 - Provision of open space plus submission and approval of scheme for the setting out and landscaping and management/ maintenance of this area
 - Provision of footpath and cycle way for public use
 - 12metre area along the north boundary to be reserved for Rapid Transport Route
- 17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

FULL APPLICATION PERMISSION

1 – Time Limit for Full Permission

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 – Development to accord with approved plans

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

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

3 – Non Standard Condition

The development shall take place in accordance with the submitted 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 and identifying all areas of cut or fill.

Reason: To ensure the development is carried out without an have an adverse impact of the surrounding area and trees within the site.

4 – Materials to be Agreed

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

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

5 – Refuse and Recycling as shown

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

6 – Non Standard Condition

The development hereby permitted shall not be occupied until the access onto Brook Street and the internal road to the rear of the site has been constructed in accordance with the approved drawings and either the parking spaces and turning area shown on the approved drawing or alternative provision approved by the local planning authority have been provided to the satisfaction of the local planning authority.

Reason: To ensure there is satisfactory access and parking provision to serve the development.

7 – Non Standard Condition

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, rooflights or other openings shall be installed above ground floor level within the south side elevation WALL or roof FACE of the new building HEREBY PERMITTED.

Reason: To protect the privacy of adjacent dwellings.

8 – Non Standard Condition

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected.

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

9 – Full Landscape Proposals

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

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- 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.

10 – 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.

11 – Earthworks

No works shall take place until details of all earthworks have been submitted to and agreed, in writing, by the Local Planning Authority. 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.

12 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

13 – Tree and Natural Feature Protection: Entire Site

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.

14 – Non Standard Condition

The development shall be carried out in accordance with the submitted Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837. An Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development shall be employed on the site.

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

15 – 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.

16 – Non Standard condition

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

On request of the applicant, a brief will be provided for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation incorporating palaeoenvironmental assessment, will be required to establish the archaeological potential of the site. 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.

Pre-determination archaeological evaluation is not required for this proposal however it is recommended that the applicant undertakes the 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.

17 – Non Standard Condition

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.

18 – Non Standard Condition.

All residential units shall be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LMax)

The noise mitigation measures specified in the accompanying acoustic report shall be fully implemented prior to occupation of ANY building on the site and shall be maintained as agreed thereafter.

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

19 - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops,

livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

20 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

21 - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

22 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification

report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 21.

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

23 - *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 19.

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

24 – Non Standard Condition

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

- a) A priority junction off Brook Street to provide access to the proposal site as shown in principle on planning application drawing number PB1250/P/04 Rev P2
- b) Upgrading of the footway along the western side of Brook Street between the proposal site access and the mini roundabout to the south to a shared footway/cycleway
- c) Residential Travel Information Packs

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.

25 – Non Standard Condition

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

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

26 - Non Standard Condition

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved.

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

27 - Non Standard Condition

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 shall subsequently be implemented prior to occupation and should include but not be limited to:

1. Surface water run-off restricted to the greenfield rate calculated from the impermeable area served by the drainage network. The run-off rate should be a minimum of 1l/s.
2. Attenuation storage for the 1 in 100 inclusive of climate change storm event.
3. An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
4. Demonstration of approval from the relevant authority to connect to a surface water sewer.

5. Further detail as to how the drainage scheme for the existing building on site fits into the wider drainage scheme at the site.

6. A drainage plan highlighting final exceedance and conveyance routes, location and sizing of storage features, discharge rates and outfall/s from the site.

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

28 - Non Standard Condition

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 has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

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.

29 - Non Standard Condition

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.

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.

30- Non Standard Condition

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.

31 - 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 (EZ1 AONB; EZ2 rural, small village or dark urban areas; EZ3 small town centres or urban locations; EZ4 town/city centres with high levels of night-time activity).

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

32 – No Unbound Surface Materials

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

Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.

33 – Vehicle Parking

Prior to the first occupation of the development, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

34 - Cycle Parking (as approved plan)

Prior to the first OCCUPATION/USE of the development, the bicycle parking facilities indicated on the approved plans shall be provided and made available for use. These facilities shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

35 – Non Standard Condition

Prior to the commencement of any works, additional drawings that show details of the proposed new windows, doors, eaves, verges, cills, arches and all other architectural features to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to these features which are important elements to the appearance of the buildings

OUTLINE PLANNING PERMISSION

1 - *Time Limit for Outline Permissions Part 1 of 3

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 - Time Limit for Outline Permissions Part 2 of 3

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 - Time Limit for Outline Permissions Part 3 of 3

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 – Reserved matters Application

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference 152730 relating to this site and the conditions attached thereto remain in force.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

5 - Development to accord with approved plans

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

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

6 – Non Standard Condition

This permission relates to the erection of 61 residential dwellings comprising 27 x 1 bedroom and 34 x 2 bedroom units.

The reserved matters shall in substantial conformity with the outline drawings in terms of layout, massing and building heights.

Reason: To avoid doubt as to the scope of the consent hereby granted and to ensure a satisfactory form of development.

7 - Non Standard Condition

The construction of the road shall be carried out in accordance with the approved cross section drawings drawing no 1339-D8511-rev02.

Reason: To ensure the road is constructed in a satisfactory visual manner.

8 - Non Standard Condition

No works shall take place until full details of all ecology mitigation and enhancement works, including an implementation timetable, have been submitted to and agreed, in writing, by the Local Planning Authority. The approved works shall be carried out in accordance with the approved implementation timetable.

Reason: To ensure that there is a suitable ecology proposal to be implemented at the site.

9 – Non Standard Condition

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

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- 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.

The submitted draft landscape scheme shall be amended to include moisture loving shrubs and trees forming the principal cover to the lower lying areas of the site below the escarpment.

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

10 – 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.

11 – Earthworks

No works shall take place until details of all earthworks have been submitted to and agreed, in writing, by the Local Planning Authority. 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.

12 – Full Arboricultural Survey

No works shall take place until details including a survey of the development site as existing and, as appropriate, a Land Survey in accordance with BS 5837, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site.

13 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

14 - Light Pollution for Major Development

Prior to the first occupation/use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone (EZ1 AONB; EZ2 rural, small village or dark urban areas; EZ3 small town centres or urban locations; EZ4 town/city centres with high levels of night-time activity) shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

15 – Materials to be agreed

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

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

16 – Tree and Hedgerow Protection

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). 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 works, tree 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.

17 – Vehicle Parking

Prior to the first occupation of the development, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

18 - Parking Space/Hardstanding Sizes (Open)

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

19 - Parking Space/Hardstanding Sizes (Contained)

Any vehicular hardstanding which is bounded by walls or other construction shall have minimum dimensions of 3.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

20 – Cycle Parking TBA

Prior to the commencement of the development, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

21 – Non Standard Condition

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

On request of the applicant, a brief will be provided for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation incorporating palaeoenvironmental assessment, will be required to establish the archaeological potential of the site. 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.

Pre-determination archaeological evaluation is not required for this proposal however it is recommended that the applicant undertakes the 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.

22 - Non Standard Condition

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; measures to control noise.

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.

23 - Non Standard Condition

The reserved matters shall include a scheme of enhancements and long term management of the land edged blue. The approved scheme shall be implemented in accordance with an agreed timetable.

Reason: To ensure a satisfactory appearance to this public area.

24 - Non Standard Condition

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.

25 - Non Standard Condition

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

26 - Non Standard Condition

All residential units shall be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LMax)

The noise mitigation measures specified in the accompanying acoustic report shall be fully implemented prior to occupation of ANY building on the site and shall be maintained as agreed thereafter.

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

27 - 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

28 - 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.

29 - 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

30 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 27 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 28, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 29.

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

31 - *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 27.

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

32 – Site Levels Plan

No works shall take place until 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, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

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

33 - Schedule of Types & Colours to be Submitted

No works shall take place until a schedule of all types and colours of external materials to be used has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

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

34 – Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

35 – Non Standard Condition

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any approved as part of the reserved matters shall be erected.

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

36 - Non Standard Condition

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

- a) A priority junction off Brook Street to provide access to the proposal site as shown in principle on planning application drawing number PB1250/P/04 Rev P2
- b) Upgrade to current Essex County Council specification the two bus stops which would serve the proposal site with the highest frequency of bus services (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- c) Upgrading of the footway along the western side of Brook Street between the proposal site access and the mini roundabout to the south to a shared footway/cycleway
- d) Residential Travel Information Packs

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.

37 - Non Standard Condition

Development shall not commence until a scheme for the provision of active electric vehicle charging points and associated electrical infrastructure has been submitted to and approved in writing by the local planning authority. Charging points shall be provided at the rate of 1 charging point per unit (dwelling with dedicated off-road parking) and 1 charging point per 10 spaces (unallocated off-road parking). The electric vehicle charging points shall thereafter be provided in accordance with the approved details.

Reason: To mitigate any adverse impact on the Air Quality Management Area.

38 – Non Standard Condition

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

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

39 - Non Standard Condition

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved.

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

40 - Non Standard Condition

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 shall subsequently be implemented prior to occupation and should include but not be limited to:

1. Surface water run-off restricted to the greenfield rate calculated from the impermeable area served by the drainage network. The run-off rate should be a minimum of 1l/s.
2. Attenuation storage for the 1 in 100 inclusive of climate change storm event.
3. An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
4. Demonstration of approval from the relevant authority to connect to a surface water sewer.
5. Further detail as to how the drainage scheme for the existing building on site fits into the wider drainage scheme at the site.
6. A drainage plan highlighting final exceedance and conveyance routes, location and sizing of storage features, discharge rates and outfall/s from the site.

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

41 - Non Standard Condition

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 has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

42 - Non Standard Condition

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.

Reason: 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.

43 - Non Standard Condition

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.

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.

44 - Non Standard Condition

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.

45 - Non Standard Condition

The reserved matters application shall include a minimum of 105 parking spaces; the layout of the spaces shall be substantially in accordance with drawing no160527A. The parking spaces shall be provided prior to the occupation of any of the dwellings and shall thereafter be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

19.0 Informatives

(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) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) 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. Please pay particular attention to these requirements.

(4) 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.

(5) 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.

(6) 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 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.

(7) 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.

(8) Informative on Steep Sloping Sites (Outline)

PLEASE NOTE that if it appears that difficulties may be encountered with levels on this site, it is recommended that the applicant submits details of road gradients with their detailed application.

(9) Informative on Trees Adjacent Highways

PLEASE NOTE that the area(s) directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

(10) Informative on Retaining Walls Affecting Highways

PLEASE NOTE that in situations where retaining walls or other similar methods are required to support either the Highway or land directly adjacent to the highway, their design, construction or composition (in the case of embankments) should be agreed in advance with the Highway Authority.

(11) Informative on Protected Wildlife

PLEASE NOTE: It is likely that a protected species may be present at the site, which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR, Tel. 0300 060 3787.

(12) Informative on Watercourses

PLEASE NOTE that any culverting, damming, diverting or infilling of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936 and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991 and the Water Resources Act 1991. The Environment Agency does not normally grant consent for culverting a watercourse. The term watercourse includes all open, bridged, culverted or piped rivers, streams, ditches, drains, cuts, dykes, sluices and passages through which water flows.

(13) Informative on Surface Water Drainage

PLEASE NOTE that it is the responsibility of the developer to ensure proper provision is made for the surface water drainage of the site to ground, watercourse or surface water sewer. To avoid foul sewer flooding, surface water must not be drained to a foul sewer. The use of sustainable drainage systems (known as SUDS) is very much encouraged. SUDS offer an alternative approach to traditional engineered drainage solutions by detaining run-off on site and releasing it slowly into watercourses or to ground (e.g. dry ditches/swales, detention/attenuation ponds, integrated wetlands). Source control techniques are also increasingly popular, e.g. the use of porous (as opposed to impermeable) paving and 'green roofs' which allow rainwater re-use. These techniques reduce the likelihood of flash flooding, result in greatly improved water quality, are often cheaper and easier to maintain than traditional engineered drainage solutions (i.e. involving seal-trapped gullies and petrol interceptors), and can provide wildlife habitats.

(14) Essex County Council Informatives

For the outline element of the planning application, in making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site 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)
- All highway related details should be agreed with the Highway Authority
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River

If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk

Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of

this application or as part of preceding applications to make a balanced decision based on the available information.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

(15) 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>

(16) Landscape Informative

Note: Detailed landscape proposals, if/when submitted in order to discharge these conditions, should first be cross-checked against the Council's Landscape Guidance Note LIS/C @ 'Guidance Notes LIS/C'.

(17) Network Rail Informative

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being

required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing. As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.