



Application No: 151885

Location: Axial Way, Colchester

Scale (approx): 1:1250

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7.2 Case Officer:Sue Jackson

MAJOR DWELLINGS

Site: Axial Way, Colchester

Application No: 151885

Date Received: 1 September 2015

Applicant: Persimmon Homes Essex and Royal London Mutual Insurance Society Ltd

Development: Detailed planning application for residential development to provide 87 (No.) residential dwellings (Use Class C3), associated car parking, cycle parking, public open space and pedestrian / cycle infrastructure, formation of pedestrian and cycle only links to adjacent Public Footpath / Bridleway and other associated works and improvements at land north of Axial Way, Colchester.

Ward: Mile End

Summary of Recommendation: Approval subject to the signing of a S106 Agreement

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 planning objections have been received; a legal agreement is also required.
- 1.2 In addition the application has been “called in” by Councillor Goss for the following reasons;

“I have concerns about the completion and on-going management of this site by Persimmon Homes. Persimmon Homes has a rather patchy history of completing infrastructure in Stanway, Mile End and High Woods wards to a good standard which can be adopted quickly by either ECC or CBC. Maximus Drive and Braiswick Park are two solid examples where issues have taken 10 years to resolve (Maximius Drive) or are still ongoing at Braiswick Park regarding open space, lights and roads. Recent issues were also highlighted in the press about Lakelands at Stanway.

There are also issues where management companies have not been put in place for some houses and therefore management of shared planted areas have arisen which has led to disputes between residents.

As Persimmon has a poor track record in Colchester, we need to ensure concrete conditions are added to this application so there is absolutely no wriggle room and historic behaviours can no longer be allowed to continue in Colchester”.

2.0 Synopsis

- 2.1 The key issues explored below concern adopted policy and land use designation, noise issues and amendments to the application following representations from Flakt Woods and comment from Environmental Protection, consultation responses and representations will be set out and responded to where necessary and section 106 requirements will be explained. The conclusion is that planning permission should be granted subject to conditions and signing of a legal agreement.

3.0 Site Description and Context

- 3.1 The application site is a triangular shaped parcel of land on the north side of Axial Way with an area of approx. 2.14 hectares. It comprises land that was formally part of the Royal London sports ground. It is now unused and overgrown.
- 3.2 A tree lined public right of way (PROW) and bridleway runs the full length of the rear NW boundary and extends from Axial Way exiting at Severalls Lane close to the bridge over the A12; it also separates the site from Flakt Woods. On the NE boundary is 'Cuckoo Point' a development comprising residential and commercial units with a frontage to both Axial Way and Severalls Lane. The flatted buildings on the road frontages are four and six storeys high with two storey commercial units within the site. On the opposite side of Axial Way is residential development, The Myle, which extends to Mill Road, the properties fronting Axial Way are two, three and four storeys high, they are separated from the road by high walls/fencing and parking courts; some dwellings have a flank elevation to the road or face into site. On the NW boundary is the Flakt Woods site, which comprises a substantial industrial building, car parking and service yard. The NE corner of the building and the service yard are close to approx. half the length of the NW application site boundary.
- 3.3 Further to the west along Axial Way is Easter Park which contains a mix of commercial uses, there are also several car dealerships and the David Lloyd Tennis Centre which is under construction. There is also vacant land owned by Colchester Borough Council; Cuckoo Farm/Northern Gateway. Axial Way has a junction with Via Urbis Romanae and United Way and joins the A12 at junction 28. United Way provides access to the Weston Homes Community stadium home to Colchester United FC.
- 3.4 The site is generally flat with mature trees and hedgerows along the NW and NE boundaries, several oak trees are protected by a tree preservation order (TPO). A ditch and low bund extend along the road frontage. Axial Way has a speed limit of 40mph there is a junction already constructed from the road to the site and there is a cycleway/ pedestrian footway on both sides of the road.

4.0 Description of the Proposal

- 4.1 Prior to the submission of the application a Preliminary Enquiry (PE) was submitted and the applicant entered into a Planning Performance Agreement (PPA) with the Local Planning Authority. The discussions and meetings held in respect of the PE were with officers from the Commercial Services Major Development Team and related to issues regarding layout, detailed design and contributions/obligations requested by the Development Team.

- 4.2 The objectives of the PPA related to the allocation of staff resource in terms of officer time to an agreed timetable and agreement regarding the submission and responses to information and resolution of issues where possible.
- 4.3 This full application proposes the erection of 87 dwellings comprising 67 houses and 20 flats. The application has been amended since the original submission which proposed 92 units. The flats comprise 15 one and five, two bed units and are located within two buildings. The proposed houses are two, three, and four bed and comprise detached and semi-detached units. The proposed flats, are provided in a three storey building and a second 3/4 storey building are located at either end of the Axial Way frontage, this frontage also includes two and two and a half storey houses. These buildings are all set back from the road behind an internal access road which runs parallel to Axial Way. An area of public open space (POS) is proposed along the rear NW boundary and includes the trees subject to a TPO on this boundary and extends adjacent to the edge of the bridleway and PROW. Vehicular access is from the existing junction and the site access road would then extend into the site running along the south edge of the open space. The proposed dwellings will front the open space and access road. A small cul-de-sac leads from the west side of the road serving a group of houses and one of the flatted buildings. Dwellings on the NE boundary back onto Cuckoo Point, and their gardens include preserved trees.

Parking spaces are generally provided as part of the residential curtilage with the flats and some dwellings having parking spaces within small parking courts. Provision is also made for visitor parking.

The application includes the following supporting documents

- Design and Access Statement
- Geo-environmental and Geo technical Desk Study and Site Investigation
- Archaeological Desk Based Assessment
- Extended phase 1 Habitat Survey
- Reptile Survey
- Bat Survey
- Environmental Noise Assessment
- Flood Risk Assessment and Drainage Strategy
- Arboricultural Impact Assessment
- Transport Assessment
- Health Impact Assessment

5.0 Land Use Allocation

The site is allocated for residential purposes in the LDF Site Allocation Document and identified in Policy SANGA1 as a residential site.

6.0 Relevant Planning History

- 6.1 98/1462 Land To The North Of Mill Road, Colchester Outline application for erection of dwellings, B1, B2 and B8 industrial units and the provision of land for part of a spine road Approved 18/07/2001. (This outline application proposed industrial uses on the application site but was never implemented).

- 6.2 F/COL/03/1042 Industrial warehouse and office with associated car parking, access road (section of East West Link Road) together with landscaping, public footpath, holding ponds and temporary foul drainage works.(Revised site area).Applicant Churchmanor Estates and Flakt Woods. This application included the relocation of the Flakt Woods factory from Bergholt Road (Tufnell Way) to Axial Way together with the construction of part of Axial Way from the Severalls Lane junction.

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
CE3 - Employment Zones
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
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
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP10 Tourism, Leisure and Culture
DP11 Flat Conversions
DP12 Dwelling Standards
DP15 Retention of Open Space and Indoor Sports Facilities

DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
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 NGA1 Appropriate Uses within the North Growth Area
SA NGA2 Greenfield Sites in the North Growth Area
SA NGA4 Transport measures in North Growth Area
SA NGA5 Transport Infrastructure related to the NGAUE

- 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
Sustainable Drainage Systems Guide
Street Services Delivery Strategy
Managing Archaeology in Development
North Colchester Growth Area SDP
Myland Parish Plan
Myland Design Statement

8.0 Consultations

- 8.1 **Urban Design Officer** : Proposals have improved significantly through pre-application and ongoing dialogue. Major issues now appear addressed and the proposed scheme is generally moving in the right direction.

8.2 Environmental Protection

Internal levels

The ventilation schemes outlined in the SRL Noise Assessment dated March 2016 should be implemented so that the recommended guidelines for internal noise levels under BS 8233 can be met.

External Levels

The revised plans under Model 6 (MOD6) in the report by SRL dated 27 May 2016 and entitled Axial Way - Noise Levels in Outdoor Amenity Areas represent an improvement to the potential noise levels affecting residential gardens. There are however ten properties with higher than recommended noise levels for gardens and two of these houses have noise levels significantly above recommended noise levels. The main contribution of this is traffic noise from the A12 and Axial Way and in general we find that due to the continuous nature of traffic noise, residents are less likely to be caused an annoyance by this type of noise. MOD6 represents the noise climate whilst Flakt Woods are conducting internal testing of large fans. Flakt Woods state that they conduct testing of large industrial fans typically two-three times a month, generally over a period of three days.

The occasional torque testing of the very large industrial fans would be cause for concern ; however it is not possible for the applicant to mitigate for this noise. These are dependent on orders and such tests have been carried out by the factory five times in the past 10 years and the last time Environmental Protection received complaints was in 2013.

Environmental Protection would recommend that all new home owners are warned about the possibility of this testing.

In conclusion, Environmental Protection consider the revised plans together with the acoustic glazing are acceptable.

8.3 **Arboricultural Officer** generally no objection to the proposals but ideally the visitor spaces within the tree root protection areas should be removed.

8.4 **Highway Authority** has no objection subject to conditions.

8.5 **Anglian Water**
ASSETS

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

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

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal, from the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

- 8.6 **Natural England** has no comments to make on this application.
The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.
- 8.7 **Environment Agency** has confirmed the proposed development is outside their remit
- 8.8 **CBC Contaminated Land Officer**
An acceptable report has been submitted for Environmental Protection purposes. It is noted that it is concluded that there are no unacceptable concentrations of potential contaminants within the underlying soils that would pose a potential risk to human health of future site occupants, and no further site investigation or remediation has been recommended. Based on the information provided, these comments would appear reasonable. However, given the low number of sampling locations, should planning permission be granted for this application, Environmental Protection would recommend inclusion of a condition
- 8.9 **Landscape Officer**
Detailed comments are made on elements of the proposed hard and soft landscape proposals
- proposed hedge and tree planting to the site frontage to be secured as this treatment forms an important part of the emerging character of the street scene
 - publicly visible plot boundaries need to be brick wall
 - in landscape terms it is important the maximum number of units face the important PRoW link and its associated POS in order to provide the maximum level of passive surveillance and public amenity value for users of the PRoW & POS.
- 8.10 **Recycling Manager**
Looking at the plans there seems to be designated waste collection points around the development, however, we currently operate a boundary collection service. This can lead to confusion and refuse not being collected if some of the residents decide to put their waste out on their boundary and not at the designated collection point?
- 8.11 **Archaeology Officer**
This proposal is located in an area of archaeological interest, defined in the Essex Historic Environment Record. The proposed development is located to the east of an archaeological site recorded by archaeological aerial photography (EHER no. 41901). However, no previous systematic archaeological investigation has taken place on this site. There is high potential for encountering buried archaeological remains at this location, given the proximity to known remains. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist. 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.

8.12 **Essex County Council SuDS**

Thank you for your re-consultation email received on 25 September 2015 which provides this Council with the opportunity to assess and advice on the proposed revised FRA and surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We are statutory consultee on surface water from the 15 April.

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 (C697)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Following receipt of the revised FRA/Drainage Strategy and correspondence with Mr Michael Pearce (22.10.15) following our initial objection on 18.09.15, we consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. We consider that full planning permission could be granted to the proposed development if appropriate conditions are imposed.

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 The Parish Council have stated that MCC would object to this application on the grounds of:

- The site represents over-development with an unacceptable density of dwellings;
- There is insufficient visitor parking;
- The proposed open space is inadequate for the size of the development.

We would also express concern about the level of noise, particularly at night, from the Flakt Woods factory which is adjacent to the site. We feel this had not been adequately addressed in the application.

9.2 *Officer comment: The density of 40 dwellings per hectare is considered acceptable and is lower than the adjacent Cuckoo Point development and similar to recent residential development opposite, the layout provides 10% open space. Parking provision for the dwellings meets the adopted standard and visitor parking is 3 spaces below the adopted standard. The issues relating to noise from Flakt Woods are explained below.*

10.0 Representations

10.1 Number of support (0), objection (5), general observation (2) and issues raised

10.2 Flakt Woods

"We have now reviewed the revised plan and very much welcome the consideration that has gone in to mitigating against the noise that our commercial activities create. However, we are nervous about the efficacy of the proposed ventilation scheme and the reliance for windows on houses to remain closed as protection against our sound emissions. We also have concerns that external levels will still exceed the guideline criteria. We do not have confidence that we will not receive complaints from future residents and this is a situation that we very much want to avoid. We are aware that residents disturbed by noise have an option to take private nuisance action and that we would not have a defence of best practicable means if that course of action were to be pursued.

We would like to reiterate and to remind CBC that one of the main considerations involved in relocating from Tufnell Way was to remove ourselves from the residential area that had developed around our factory. If we had have been aware of the change of land use to permit the generation of housing adjacent to our factory on Axial Way we would have strongly objected at that time.

Unfortunately and despite the proposed noise mitigation measures, we do not feel that we can withdraw our letter of objection to the application".

The owners of the Flakt Woods site and adjacent Easter Park object due to the potential impact of the development on Flakt Woods and their day-to day operation on site. Of particular importance is the sound insulation scheme that was implemented on site, a condition of their planning permission, when the nearest housing was approx. 140 metres to the south clearly if the proposed development goes ahead the residential element will be substantially closer with obvious concerns this presents for noise pollution for the new houses.

10.2 Councillor Goss

"As part of this development I would like to see an extra pedestrian crossing on Axial Way this development should fund the extra crossing. Can Outdoor gym equipment be provided as part of this application please as part of the POS?"

10.3 Colchester Cycling Campaign

CCC has no objection to this scheme. We would, however, like to see the following:

- alteration to the existing entry from Axial Way to allow the cycle path to meet the entrance road at 90 degrees rather than following the kerb around the curve of the junction. This anticipates a change in UK guidance that will allow cycle priority over side roads; it will allow cars turning into the estate to see whether cyclists are nearby and wait safely for them off the main road.
- cycle/foot connection with bollards to Flakt Woods site (to encourage walking/cycling to work)
- cycle/foot connection with bollards to De Grey Road

10.4 Representations

- It is already difficult to cross Axial Way near the site even with the crossing points that are already there. Axial Way doesn't have a 30mph speed limit that you will normally expect near a residential area, and traffic speeds make it harder to cross. The crossing point near the east access point should become a pedestrian controlled crossing the same as the one further down the road.
- The 40 mph limit is never enforced a speed camera is required along the road as many cars speed down the road and with more families moving into the area a safe enforced speed limit is essential.
- The houses that overlook these fields will lose their view.
- A tree line along the road should be planted to maintain some "green". There is also some kestrel nests in the existing trees as well as many rabbit warrens along the tree line by the path.
- The nearest bus stop for the Number 2, 8, and 65 buses is the ones in Mill Road which means crossing Axial Way
- Traffic noise is already horrendous, and as the road develops this can only get worse. Heavy goods going to and from the A12 mix with residential and commute traffic all hours of the day and into the night, and "road testing" of cars from the abundant nearby car dealers, including so-called "supercars", adds up to the road being used as a race track. All facilities, including bus stops and shops lie on the other side of Axial Way.
- Colchester's infrastructure and health care services and schools are already heavily impacted adding more houses is going to exacerbate the problem. Selling off all of the land in Colchester for housing is reducing green spaces, making it harder for sports clubs to practice and find suitable grounds etc.
- Building of on the opposite side of Axial Way means there will be nowhere for the noise from the road to escape once the houses are built. The estate opposite has 10 foot brick walls to block out the noise but in some areas there is only area a 6ft fence and will be totally unsuitable once the new houses have been built. It is understood the highways agency are responsible for the fence. The fence will need to be replaced with a 8- 10ft wall to keep the noise out and the council /builder needs to arrange this before going forward.

10.5 Essex Bridleways Association

"We object to this application for the following reasons:

1. In the Design and Access Statement, under the heading Planning Policy, the developer refers to the application being in accordance with The National Planning Policy Framework (The Framework). We do not consider this is correct as it ignores the sections in the Framework that relate to the improvement of the rights of way network.

The Framework confirms the Government's support for the protection and enhancement of the public rights of way network. It states: local planning authorities should positively seek opportunities to meet the development needs of their area; Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change.

Paragraph 75 provides:

Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example, by adding links to existing rights of way networks including National Trails.

The Framework therefore places an obligation on the planning authority to be proactive in enhancing and improving public rights of way, seeking opportunities and meeting local rights of way needs.

We are of the opinion this development provides an ideal opportunity to improve the public rights of way network in accordance with the NPPF by creating a new bridleway link to the existing bridleway number 314_232 [shown coloured blue on plan A enclosed with the hard copy of this letter.]

The site is also situated near Tower Lane [currently footpath number 314_233] which is in the process of being upgraded to a bridleway. Tower Lane is shown coloured red on plan A. The area between the site and Tower Lane is part of the Northern Gateway and is planned to become an area with sporting use. We are in discussions with CBC for bridleways to be included in the NG development and beyond to the vast areas being developed to the south west of Colchester. Horse riding is a growing sport and the current facilities in the area are virtually non-existent. The new development in the area provides a unique opportunity to create and extend the current fragmented network of bridleways in accordance with current Government guidelines.

2. There is no consideration of the terms of the Essex Public Rights of Way Improvement Plan. The Plan evidences the specific needs and priorities of the people of Essex in relation to rights of way and ties in with the NPPF. It acknowledges that a good public rights of way network promotes health and social benefits to local communities and states there needs to be a particular focus “on the provision of bridleways”. Local Authorities need to meet the development needs of their area and these needs are identified in the Plan.

3. The developer has failed to consider the impact of the development on the bridleway. It states “the proposal includes two pedestrian/cycle links between the site and the bridleway, making the bridleway more accessible to residents and offering an alternative route through the site to bridleway users”

It appears the developer has only considered the use of the bridleway in the light of walkers and cyclists and has ignored equestrian use. No alternative routes are being provided to horse riders and no consideration has been given to the effect the increased use will have on the bridleway. The cycle links should be bridleway links so all vulnerable users can benefit from them. Bridleway links should be planned to other areas where bridleways could be created in conjunction with new development so, long term, a large safe off road network could be achieved.

We note it is proposed to expose the bridleway more by removing established hedging. We would query if this is necessary or expedient and would need more information to assess the effect on the bridleway. There are so few wooded bridleways in the area and the ones that exist should be preserved in their current condition.

There is also no information as to how horse riders’ use of the bridleway will be affected whilst development work is in progress and after completion. Horse riders are not receiving any benefits from this development and, at the same time, they will suffer a great deal of inconvenience and nuisance whilst the development takes place. Once the development has completed the increased use of the bridleway by the occupiers of the new houses will also be detrimental to riders.

4. The fact the developer only proposes to create new footpaths and cycle tracks and has ignored the need and obligation to create new bridleways is confirmed in the conclusion to the Design and Access Statement which states:

The proposal has been designed to consider pedestrian and cycle links, existing hedge planting, tree canopies and root protection areas, views along Axial Way and the treatment of the boundary adjacent to the existing bridleway

The proposal should also have considered bridleway links.

5. The developer has ignored the fact that horses are sustainable transport and the needs of horse riders should be considered in the same way as the needs of walkers cyclists and other vulnerable users. The Design and Access Statement only refers to “access principles for vehicles, pedestrians and cyclists”.

We fully acknowledge that in some instances it would be inappropriate for bridleways to be created in new development, but when one already exists adjacent to the site, and is mentioned as a benefit to the entire application, then they are relevant to the application and must be given proper attention.

6. It appears the terms of The Development and Public Rights of Way Advice Note for Developers and Development Management Officers has not been considered in relation to this application. It states:

“It is crucial that Public Rights of Way are considered from the very start of a proposed development. If this is overlooked, then Public Rights of Way issues can result in very significant delays later on and even render properties unsalable”.

“Public Rights of Way are also a material consideration in the determination of any planning application”.

“The development may also provide the opportunity for the creation of new paths to provide missing links to achieve an overall improvement in the network. Such opportunities will always be pursued in consideration of a planning application and the new path dedicated to form part of the Definitive Map, as opposed to an informal route”.

Lack of consultation

We note the Case Officer asked in July 2015 for “a greater orientation of houses towards the open space and bridleway” and in August she asked for more changes, but none related to bridleway creation. In view of the fact we have been in discussions with CBC planners for two years we find it very disappointing that we were not consulted at any stage regarding the planning of any new bridleways on the Site. It would obviously be far cheaper and more practical for new bridleways to have been planned from the outset, not at this stage of the development process.

In the light of the above we ask that the application is amended to comply with the NPPF and supporting documents and a bridleway links are provided in the Site.

The full text of all of the representations received is available to view on the Council’s website.

11.0 Parking Provision

11.1 The adopted parking standards require one parking space for one bed units and two spaces for two beds and above. The development proposal is for 15 one bed and 72 two bed (and above) units requiring 159 spaces and this standard is met. The parking standard also requires one space for every four dwellings (0.25 of a space per dwelling) 87 units require 22 visitor spaces 19 are proposed. This is an increase of 11 visitor spaces as originally only eight spaces were proposed for 92 dwellings.

12.0 Open Space Provisions

12.1 The layout includes 10% open space is provided in addition all the dwellings have private gardens and the flats each have a balcony.

13.0 Air Quality

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

14.0 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 Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- 20% affordable housing
- Community Facilities Contribution of £106,259
- Open Space Contribution of £280,268
- Public Transport Contribution of £26,200
- Highway Works which include upgrading a traffic island on Axial Way to provide a pedestrian refuge, relocating a dropped kerb on Severalls Lane, continuing cycleway markings along Severalls Lane, improvements to bus stops
- Pedestrian /Cycle/Bridleway Works which include a 3 metre wide sealed surface for pedestrians and cyclists and a 2 metre wide surface for horses along the majority of the PROW/bridleway and providing a surface suitable for horses where the PROW/bridleway narrows, resurfacing the cycleway, providing separate signage for the bridleway and cycleway and the erection of a safety barrier

15.0 Report

15.1 Policy Considerations

The site is in the North Growth Area and in the Site Allocations document adopted in October 2010 Policy SA NGA1 sets out appropriate land uses and lists uses where development will be accommodated in this area, the application site is identified as a greenfield site for residential development and the document states:

“Land at Axial Way

This allocation in Axial Way is a new greenfield site which has previously been allocated for employment purposes. The site has been put forward by the owners of the land and supported by the Council in view of surrounding developments and site constraints. The site measures some 2.3 hectares and is therefore likely to deliver in the region of 70 new units based on assumptions made about density and gross/net site areas”.

The principle of residential development is therefore established by this adopted allocation.

15.2 Design and Layout

The layout has been amended following meetings with officers including the Urban Design Officer. The amendments include a linear public open space parallel to the PROW/bridleway and incorporating the preserved trees along this boundary with houses fronting the open space, providing natural surveillance, instead of backing onto this public area. Buildings now face Axial Way providing an active frontage to the street but with sufficient set back to allow hedge and tree planting along the road frontage. Parking spaces have been revised so they are no longer in front of houses but are mainly provided on plot at the side of houses with some small parking courts; this amendment makes a considerable improvement to the street scene and public realm areas. These amendments have resulted in a reduction in the number of units from 92 to 87.

The buildings fronting the open space will also provide a degree of natural surveillance to the PROW/bridleway and the layout includes two pedestrian/cycle links from the development to these paths. The layout now includes defined perimeter blocks with houses fronting the principle roads and open space with gardens to the rear and creates well defined public and private realm

The houses types are of traditional designs but some features having a contemporary feel. A traditional palette of materials is indicated. The flatted buildings have a more contemporary appearance. The adjacent residential developments have a mixed character; Cuckoo Point buildings have a contemporary design with curved metal roofs and a flat roofed central link whereas the dwellings opposite are of a more traditional style. The detailed designs are considered satisfactory in this context but conditions requiring precise materials to be agreed and large scale drawings of architectural features are necessary to ensure they are of appropriate quality for this site on a main distributor road and fronting a PROW.

15.3 Scale, Height and Massing

The houses are all of a domestic scale and massing either two storeys or two and a half storeys where accommodation is provided in the roof space. The proposed buildings containing the flats are of three and four storeys. These buildings have a greater scale and mass but are still of a domestic appearance. The flatted buildings are acceptable on the road frontage and provide a satisfactory transition from the mass and scale of the six and four storey buildings of Cuckoo Point and the three and four storey buildings on the opposite side of Axial Way.

15.4 Impact on the Surrounding Area

There is no adverse impact on surrounding area. The potential for conflict with the Flakt Woods operation is explored below.

15.5 Impact on Neighbouring Properties

The development includes dwellings on the NE boundary generally this comprises houses with rear gardens to the boundary; these gardens include mature trees and will be well screened from existing buildings. There are the commercial units at Cuckoo Point and a treed amenity area on this boundary and the development will have no adverse impact on the adjacent development. Houses and flats will front Axial Way facing existing residential development. The existing development has a high wall onto the road and dwellings face into the site. The proposed development would not have an adverse impact on existing residents.

The NW boundary of the site is separated from Flakt Woods by a PROW/bridleway. Members will note this company has objected to the application. Flakt Woods was granted planning permission in 2004 to relocate from their existing site off Bergholt Road to the site in Axial Way. The planning permission does not restrict working times or days. A condition requiring a scheme of sound insulation to be submitted and approved was discharged on the basis nearest residential development was that on the opposite side of Axial Way. At the time the planning application for Flakt Woods was submitted and conditions discharged the application site was allocated for employment use but when the local plan was reviewed in 2008 the allocation was changed to residential.

Following their original objection to the application the case officer arranged a meeting at Flakt Woods attended by Flakt Woods MD England and colleagues and their noise consultant; the applicant and noise consultant, an officer from Environmental Protection and the case officer. The meeting included a tour of the building and the outside areas.

Flakt Woods explained the Colchester site currently operates three shifts, including a night shift. The three shift pattern can reduce to two depending on the orders the Company has to fulfil. The Colchester site is used for testing fans and this can mean testing more than one fan at a time. Performance testing is conducted in the Research & Development (R&D) lab located in the NE corner of the factory (closest to the residential site) and the flank wall of the building has a roller shutter door leading into the R&D lab. Whilst most testing is undertaken indoors within the R&D lab, some balance and vibration testing can be undertaken outdoors in the eastern yard; certain tests have to be conducted outdoors due to the constraints of the R&D lab. Flakt Woods has confirmed it is not possible to change the internal layout of the factory. In addition to the testing there is an external waste facility in the NE corner of the site.

At the meeting the Environmental Protection Officer indicated a revised noise assessment was required to be carried out when fan testing was undertaken at Flakt Woods. It was also explained that noise profile originated not only from Flakt Woods premises but also from traffic noise from the A12 and Axial Way and that both internal noise and noise within the gardens should be assessed.

Revised Noise Reports have been submitted with modelling undertaken to demonstrate the effect of noise levels in dwellings and gardens with the proposed mitigation measures. The mitigation includes houses with acoustic glazing and acoustic vents and the erection of acoustic fencing 2.5m, 2.2, 2.0, and 1.5 m in height and erection of car ports and storage buildings to mitigate noise in gardens. The reports indicate that noise when Flakt Woods are testing fans does not affect the

whole site equally; the most affected areas are those closest to the NE corner of the building and the outside eastern yard. Environmental Protection has indicated the proposed glazing and ventilation will result in acceptable internal noise levels. They also consider the revised plans represent an improvement to the potential noise levels affecting residential gardens although ten properties will have higher than recommended noise levels for gardens and two will have noise levels significantly above recommended noise levels. The main contributor of this is traffic noise from the A12 and Axial Way Environmental Protection state that in general they find that due to the continuous nature of traffic noise, residents are less likely to be caused an annoyance by this type of noise.

Environmental Protection indicate that Flakt Woods occasionally carry out torque testing of very large industrial fans and that this is cause for concern because it is not possible for the applicant to mitigate for this noise. These tests are dependent on orders and such tests have been carried out by the factory five times in the past 10 years and the last time Environmental Protection received complaints was in 2013.

Environmental Protection concludes the revised plans together with the acoustic glazing are acceptable despite the objection maintained by Flakt Woods.

15.6 Amenity Provisions

The proposed development will not have an adverse impact on the amenity of adjacent properties and raises no issues relating to loss of light or overlooking.

In terms of general amenity, the recommended legal agreement would secure improvements to the PROW/bridleway. These paths exit onto Severalls Lane close to the bridge over the A12 and if the Northern Gateway development on the north side of the A12 goes ahead these paths will form an important link for pedestrians, cyclists and horse riders to cross the A12.

15.7 Highway Issues

The Transport Assessment indicates there are footways and cycle paths along Axial Way and a PROW to Mill Road, a cycle path along Via Urbis Romanae which also has a priority bus lane. The Park and Ride facility is on the opposite side of the A12. The Assessment concludes the development would have a minimal impact on surrounding transport network and that the proposal can be accommodated within the existing infrastructure. The Highway Authority agrees with these conclusions and raises no objection subject to conditions. Cycle parking will be provided within each flat block. The Highway Authority requires improvements to the surface and signage of the PROW/Bridleway, Travel packs to encourage use of public transport, walking and cycling, and a pedestrian refuge to the existing crossing of Axial Way.

15.8 Drainage

Under the Flood Risk Classifications defined within the Technical Guidance to the National Planning Policy, the site is confirmed as being in Zone 1 – Low Probability, in terms of Flood Vulnerability. The NPPF encourages residential development in Zone 1. Surface water will be attenuated and then discharged to a tributary of Salary Brook on the east corner of the site, the discharge rate will be controlled and the scheme includes SUDS for managing surface water runoff. Foul water will be discharged into the existing foul sewer to the south of Axial Way Anglian Water has confirmed there is sufficient capacity.

Anglian Water and ECC SuDS team raise no objection on drainage grounds

15.9 Ecology, Trees and Habitats

The site includes mature oaks subject to a preservation order together with other trees on the NW and NE boundaries. The preserved trees are retained as are the majority of other trees; those to be removed are in poor condition. The trees and hedgerows form green corridors along these boundaries. The application includes an Arboricultural Impact Assessment which considers the impact of the development on trees and hedgerows and the quality of these features. The Arboricultural Officer has requested some visitor parking spaces under Root Protection Areas (RPA) is removed if possible. The applicant's arboriculturalist has indicated no dig or reduced construction will be used and the proportion of space within the RPA is within recommended limits. As there is a small shortfall in visitor spaces it is recommended these spaces are retained with appropriate conditions to control their construction.

An extended Phase 1 habitat survey and reptile and bat surveys have been submitted. The survey confirms the site is not close to designated sites and has no ecological designations. The site comprises largely unmanaged semi-improved grassland with areas of tall ruderal vegetation and hedgerows and trees on boundaries with a dry ditch along the front boundary.

The survey concludes the trees do not support bat roosts but could in the future, it recommends that if development commences after March 2017 further bat survey work and mitigation is required. The development will have minimal impact on foraging and commuting bats as trees are to be retained. Mitigation measures include lighting to be directed away from mature oak trees and the provision of bat boxes. No reptiles were recorded on the site. Whilst the surveys found no evidence of badgers pre-ground clearance is recommended to ensure the absence of badger setts.

The hedgerow along the NW boundary is classed as important under the Hedgerow Regulations and will be retained. Trees and hedgerows will be enhanced and managed with dead wood removed, gaps planted and the crown lifting of some trees, black thorn will be cut back. Pedestrian/cycle links are proposed from the development to the PROW/bridleway they will be sited outside root protection areas.

The site does not include any protected species and conditions will be imposed to protect trees and hedgerows during the construction period.

16.0 Conclusion

16.1 The application site is allocated for residential purposes, this is not an historic allocation, but a recent reallocation from employment use to residential that took place after Flakt Woods had relocated onto the adjacent site. This allocation means residential development is acceptable in principle and the Site Allocation Document suggests 70 dwellings would be appropriate depending on precise site area. To overcome issues of noise from the Flakt Woods and traffic noise high acoustic fencing and other mitigation is required. However with this constraint an acceptable layout has been negotiated and the development includes a traditional built form in keeping with the character of the area.

17.0 Recommendation

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 Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- A) 20% affordable housing
- B) Community Facilities Contribution of £106,259
- C) Open space Contribution of £280,268
- D) Public Transport Contribution of £26,200
- E) The provision of Highway Works:
 - (i) upgrading the existing traffic island on Axial Way to provide a pedestrian refuge
 - (ii) relocating a dropped kerb on Severalls Lane
 - (iii) continuing cycleway markings for 5m along Severalls Lane to the top of the bridleway entrance
 - (iv) Upgrade to current Essex County Council specification the two bus stops in Axial Way
- F) The provision of PRoW enhancements to include:
 - (i) providing a 3 metre wide sealed surface for pedestrians and cyclists
 - (ii) providing a 2 metre wide type 1 hoggins surface for horses
 - (iii) providing a type 1 hoggins surface
 - (iv) resurfacing the cycleway and providing separate signage for the bridleway and cycleway
 - (v) erecting safety barriers
- G) The creation of a Management Company for all the areas which are not either adopted or form part of a private curtilage

On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

2. APPROVE subject to the following conditions.

18.0 Positivity Statement

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.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers (Please see amendment sheet for details).

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

3 - Non-Standard Condition/Reason

Notwithstanding any details shown within the submitted application, this permission expressly excludes the use of the external materials. No works shall take place until details of alternative materials have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out using these approved materials.

Reason: The materials proposed in the application are not considered to be suitable for use on this site and to ensure that appropriate materials are chosen which will secure a satisfactory appearance, in the interests of visual amenity.

4 - Refuse and Recycling Facilities

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.

5 - Non-Standard Condition/Reason

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 unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

6 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, roof lights, dormer windows or any other form of opening shall be inserted in any elevations or roof slopes of the dwellings. Reason: To ensure the dwellings remain appropriately glazed and ventilated so that the recommended guidelines for internal noise levels can be maintained.

7 -Non-Standard Condition/Reason

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 are not acceptable in all respects and require amendment in accordance with the consultation response from the Landscape Officer dated shall 16.09.2015.

The 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.

8 - 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.

9 - 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.

10 - 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.

11 - Non-Standard Condition/Reason

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). These documents shall include details of the two pedestrian/cycle paths from the site to the PROW/bridleway, the approved paths shall be provided in accordance with the approved details prior to the occupation of any of the dwellings and shall thereafter be retained. 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.

12 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of the proposed new windows, balconies, eaves, window/door surrounds, car ports, dormer, doors, verges, cills, 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 details which form important elements of the design and appearance of the buildings.

13 - Non-Standard Condition/Reason

No works shall take place until a scheme of habitat and biodiversity enhancement, mitigation and implementation timetable has 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 improve biodiversity in accordance with Paragraph 118 of the NPPF and Section 40 and 40(3) of the Natural Environment and Rural Communities Act (2006).

14 - Non-Standard Condition/Reason

The development shall take place in accordance with the information in the documents, and revised documents, accompanying the application including the Planning Statement, Design and Access Statement, Geo- environmental and Geo technical Desk Study and Site Investigation, Archaeological Desk Based Assessment, Extended phase 1 Habitat Survey, Reptile Survey, Bat Survey, Environmental Noise Assessment, Flood Risk Assessment and Drainage Strategy, Arboricultural Impact Assessment, Transport Assessment and Health Impact Assessment including proposals, conclusions and mitigation

Reason: To ensure a satisfactory form of development and to ensure the development takes place in accordance with the submitted information to mitigate any adverse impacts.

15 - Non-Standard Condition/Reason

Prior to the occupation of any dwelling the acoustic fencing and other mitigation measures set out in the letter from PHE dated 27th May 2016 and detailed in the accompanying drawings PH-106-031 rev B, PH- 106-037, PH-106-038, PH-106-002 Rev F, PH-106-003 rev G, PH-106-004 rev G shall be implemented in full and these features shall thereafter be retained.

Reason These features are required to mitigate noise from adjacent premises and road noise.

16 - Non-Standard Condition/Reason

The ventilation and glazing schemes outlined in the SRL Noise Assessment dated March 2016 T01B shall be implemented in full prior to the occupation of any dwellings. The schemes shall thereafter be retained.

Reason: The dwellings need to be appropriately ventilated and glazed so that the recommended guidelines for internal noise levels under BS 8233 can be met.

17 - Non-Standard Condition/Reason

No external lighting fixtures, including during the construction period, shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution on the amenity of the area and ecological interests.

18 - Non-Standard Condition/Reason

Prior to the commencement of the development, details of the number, location and design of cycle parking facilities for the proposed flats 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

19 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, which shall have been previously submitted to and approved, in writing, by the Local Planning Authority, to include vouchers for 12 months free bus travel for each eligible member of every residential household. The vouchers to be valid for exchange during the first 6 months following the occupation of the individual dwelling unit.

Reason: In the interests of promoting sustainable development and transport.

20 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the garage(s) / parking space(s) / car ports shown on the approved plans shall be made available for use for the parking of motor vehicles to be used solely for the benefit of the occupants of the dwelling of which it forms part, or their visitors, and for no other purposes whatsoever. The garage(s) / parking space(s) / car ports shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

21 - 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.

22 - Non-Standard Condition/Reason

Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:

- a. Minimum 500 mm clearance between any structure and existing or proposed highway
- b. Minimum 1.5 x 1.5 metre pedestrian visibility splays where any private drive meets existing or proposed highway
- c. All shared surface roads a minimum of 6 metres wide including turning heads
- d. All minor accesses with minimum kerb radii of 4 metres The development shall be carried out in accordance with the approved drawings prior to the occupation of any of the dwellings

Reason: To protect highway efficiency of movement and safety.

23 - Non-Standard Condition/Reason

In the event that land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not recommence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. 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.

24 - Non-Standard Condition/Reason

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:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.
- 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 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.

25 - Non-Standard Condition/Reason

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of flooding within the site and offsite flooding caused by surface water run-off from the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented in accordance with the approved outline details in the FRA and Drainage Strategy Report, Issue 3, Persimmon Homes, 24 Sept 2015 prior to the occupation of any dwelling.

In particular the Detailed Drainage Scheme shall be constituted of the following:

- Provide ground investigations results, infiltration tests to justify the surface water drainage disposal method. Evidence must be shown on how the SuDS hierarchy options have been considered.
- Hydraulic modelling results of the whole scheme showing the performance of the scheme for the critical design events, 1 in 1, 1 in 30 and 1 in 100 year plus climate change. The modelling results must show the sizing of all the individual SuDS features and their combined effect in achieving the storage volumes outlined in the approved FRA.
- Where different SuDS features are being proposed, the drainage modelling should show how these are cascaded together and show clearly their combined effect in controlling both the water quantity and improving water quality within the development and how they achieve the storage volumes outlined in the approved FRA.
- Provide the appropriate number of treatment stages from the different areas of the development.
- Provide the Drainage Scheme Layout showing the SuDS features and their dimensions as appropriate.

Reason To prevent flooding on the proposed site and elsewhere by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development.

26 - Non-Standard Condition/Reason

Prior to commencement of the development the applicant shall submit 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.

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.

27 - Non-Standard Condition/Reason

The applicant shall maintain yearly Maintenance Logs of maintenance which shall 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. 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.

20.0 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) All new home owners should be warned about the testing of fans that takes place at Flakt Woods that has not been mitigated against

(5) 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.

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

(7) 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.

(8) PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime. Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land. The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an Appropriate Person. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination. Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment. During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes. The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site. The Local Planning Authority will provide a Validation Certificate mentioned in Condition 23 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.

(9) PLEASE NOTE that the applicant is advised by Essex County Council Highway Authority that all housing 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 by Essex County Council within 6 weeks of building regulations approval being granted and prior to the commencement of any development must usually provide them with guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specifications sufficient to ensure future maintenance as a public highway.

(10) PLEASE NOTE: This site is the subject of a Tree Preservation Order.

(11) 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.

(12) 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

(13) 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

(14) 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)

(15) All highway related details should be agreed with the Highway Authority

(16) The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.