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Item No: 7.4

Application: 220921

Applicant: Alison Fogg - Colchester Amphora Trading Ltd

Agent: Mr Mark Paulley, Barefoot & Gilles

Proposal: Proposed construction of additional overspill car parking.

Location: Land opposite, Magpie Chase, Stanway, Colchester, CO3 8WB

Ward: Stanway

Officer: Lucy Mondon

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant (Colchester Amphora Trading) is a subsidiary of Colchester Borough Council.

2.0 Synopsis

- 2.1 The proposed development is for additional overspill car parking to serve the Stanway Community Centre, which is currently nearing completion having received planning permission in 2021. The key issues for consideration are principle of development, contamination, highway matters, flood risk and drainage, ecology, impact on the character of the area, and impact on amenity.
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. The application is supported by a statement from Stanway Parish Council (the prospective tenant) to justify the need for additional car parking. The report considers this submission alongside the key material planning matters and comments set out in representations received.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 The application site ('the site') as a whole is an area of land measuring 0.81ha located on the western side of the Stanway Western Bypass and to the west of the Lakelands housing development. The proposed overspill car parking would be located on the western edge of the site.
- 3.2 The site lies within an existing parkland, although it is segregated by post and wire fencing and has not been used recreationally as part of the parkland. It was previously identified as part of a larger area of Public Open Space in the now superseded Site Allocations Development Plan Document (DPD). The Site Allocations DPD referenced the use of s106 contributions from other developments 'towards the building of a sports hall, community centre or similar facility with associated car parking facilities on 0.8 hectares of land for the benefit of residents in Stanway and Colchester.' Given that the site now has planning permission for a community building, the site is not allocated in the newly adopted Local Plan; land immediately adjacent the site continues to be identified as Public Open Space.
- 3.3 A Colchester Local Wildlife Site lies to the north-west of the site and there are footpaths through the parkland; Public Right of Way (PROW) 149_11 runs through the parkland between Church Land and Warren Lane on the periphery of the site's northern and western boundaries.
- 3.4 There is an existing crossing with traffic island on the Stanway Western Bypass to the northern end of the application site, allowing pedestrian access from the residential Lakelands development to the parkland.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for an overspill car parking area for 26 cars. This would replace the approved overspill car parking area of 6 spaces and bring the total car parking capacity to 45 car parking spaces (an increase of 21 car parking spaces overall from the approved scheme). The surfacing for the overspill car parking area would be a reinforced grass system.
- 4.2 The application is supported by
- Application Form
 - Site Plans (existing and proposed)
 - Site Landscaping Plans
 - External Works plans
 - Drainage Details
 - Stanway Parish Council letter to Colchester Community Enabling Officer (dated 23rd March 2022)
 - Ecological Appraisal

5.0 Relevant Planning History

- 5.1 The site and its surrounding parkland forms part of a former sand and gravel quarry which has been remodelled and reprofiled as part of the wider Lakelands Development.
- 5.2 Planning Permission was previously granted (October 2020) for a two-storey community centre with associated parking and landscaping (ref: 201365). A revised scheme was approved in May 2021 (ref: 210935) and this scheme is currently being built out.

6.0 Principal Policies

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 6.2 Local Plan 2017-2033 Section 1
The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:
- SP1 Presumption in Favour of Sustainable Development
 - SP7 Place Shaping Principles

- 6.3 Colchester Borough Local Plan 2017-2033:
The Section 2 Local Plan was adopted on 4th July 2022. Policies relevant to this application include:
- SG1 Colchester's Spatial Strategy
 - ENV1 Environment
 - ENV5 Pollution and Contaminated Land
 - CC1 Climate Change
 - PP1 Generic Infrastructure and Mitigation Requirements
 - DM15 Design and Amenity
 - DM20 Promoting Sustainable Transport and Changing Travel Behaviour
 - DM21 Sustainable Access to development
 - DM22 Parking
 - DM23 Flood Risk and Water Management
 - DM24 Sustainable Urban Drainage Systems
- 6.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
EPOA Vehicle Parking Standards
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Planning Out Crime
Stanway Joint Design Statement and Parish Plan

7.0 Consultations

- 7.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

Archaeological Adviser

No archaeological requirements.

Contaminated Land Officer

No objection. Recommended informatives.

Environmental Protection

No objection subject to condition to limit hours of construction work.

Essex Bridleways Associations

No comments received.

Essex Wildlife Trust

No comments received.

Highway Authority

No objection. Recommended informative regarding any work within or affecting the highway.

Landscape Officer

Following negotiation, no objections subject to an established product being used for the reinforced grass.

National Highways

No objection.

Natural England

No comments received.

Place Services (Ecology)

No objection subject to securing biodiversity mitigation and enhancement measures.

The Ramblers Association

No comments received.

SUDs

Currently a holding objection, but awaiting further feedback from Essex County Council SUDs team.

8.0 Parish Council Response

- 8.1 Stanway Parish Council have confirmed that they have no objections to the proposed development.

9.0 Representations from Notified Parties

- 9.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

Three objections (two from same resident) have been received from local residents, the content of which is summarised below:

- Loss of green space
- Impact on wildlife

10.0 Accessibility

- 10.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of discrimination; the car parking would be available to all users of the site and the site is accessible by a number of modes of transport (car, bus, cycle, foot). Further, the proposed car parking does not present any issues in terms of accessibility.

11.0 Air Quality

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

12.0 Planning Obligations

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

13.0 Report

- 13.1 The main issues in this case are: principle of development, contamination, highway matters, flood risk and drainage, ecology, impact on the character of the area, and impact on amenity. Particular consideration is given as to how the proposed development would impact upon any design or mitigation measures recently secured under the planning permission for the development of the site for a community building; this is in order to ensure that the previous planning permission is not diminished or compromised in any way.

Principle of development:

- 13.2 The Local Plan Spatial Strategy directs development towards the most sustainable locations. The site lies immediately adjacent to the settlement boundary of Colchester and was allocated for development in the previous Local Plan, having been considered a sustainable location in terms of accessibility and proximity to both residential and non-residential development. The site benefits from Planning Permission for a community use building, which is currently under construction. The proposed development seeks planning permission for additional parking to serve the community building.
- 13.3 Given the planning background, further development of the site is considered to be acceptable in principle. The current proposal for additional car parking does however need to be considered in respect of sustainability, particularly sustainable transport, in order to reach a conclusion as to its acceptability. The consideration of other material planning matters will also need to be taken into account.

Highway Matters:

- 13.4 Section 2 Policy DM21 requires all new developments to seek to enhance accessibility for sustainable modes of transport. Policy DM22 states that parking standards for non-residential development should be agreed through joint discussions with the local Highway Authority and the Local Planning Authority in accordance with the most recent local Parking Standards, with a more flexible approach to the parking standards only considered if supported by a parking survey and accumulation data.

- 13.5 The Vehicle Parking Standards SPD sets out the parking requirements for assembly and leisure uses, which is relevant to the community building that the proposed car parking would serve. For this site, the car parking requirements would be a maximum of 26 car parking spaces. The proposed overspill car parking would result in car parking exceeding the maximum set out in the SPD. Policy DM22 does, however, promote a flexible approach in certain circumstances and the proposal has been considered on this basis.
- 13.6 Whilst the planning application does not include a parking survey and accumulation data (potentially due to the fact that the community building is not yet in use), the application is supported by a letter from Stanway Parish Council which seeks to justify the additional car parking spaces. The main points are summarised below:
- Akin to the original permission (201365) for 42 car parking spaces;
 - Comparison to other halls (Great Horkesley and Langham) which have 45-50 car parking spaces;
 - Additional car parking spaces required in order to service users of both the hall and outdoor space, as well as Parish Councillors using the office space;
 - Will provide adequate car parking for disabled and elderly visitors, as well as attended children;
 - Confirmation that the Parish Council is committed to sustainable transport.
- 13.7 The letter sets out that the parking would be necessary for the multiple uses of the building (outdoor and indoor activities, and office space), but that the Parish Council would continue to promote sustainable transport options. The comparison to other halls is noted, although the examples provided differ in that they are in more rural areas where additional parking may be deemed necessary.
- 13.8 The first point raised in the Stanway Parish Council letter is of particular pertinence as it refers to the original planning permission for the community building (ref: 201365). Although this permission is not being implemented, it did include a total of 42 no. car parking spaces, of which 16 no. were in an overspill car parking area. In the committee report it was concluded in respect of car parking that: *The main car parking does not exceed the maximum level of 26 spaces, although an overspill car park has been included which would provide a further 16 car parking spaces; these additional car parking spaces are not considered to encourage car use over more sustainable transport modes as they would be used on a 'needs must' basis which is considered to be a sensible contingency in the case of a community use. One of the local representations received in connection with this application expressed concern about potential car parking in residential streets by users of this development, but the additional overspill parking is considered to address this concern.* It is considered that the same reasoning applies to the current proposal. A condition can be included that the parking is identified as 'overspill car parking' (with a sign) in order to reduce its usage so that it is used when needed rather than as a matter of course; this will also help to encourage visitors to the site to use other modes of transport (e.g. walking, cycling, bus). The site would provide parking for cycles as part of the previous permission, as well as electric charging for both cars and cycles. In

addition, the site is accessible by foot and bus. Access to the site would not be compromised as a result of the proposed development.

- 13.9 Neither National Highways nor the Highway Authority have any objections to the proposed development. The Highway Authority has recommended an informative regarding any works within or affecting the highway.

Contamination:

- 13.10 Section 2 Policy ENV5 supports proposals that will not result in an unacceptable risk to public health or safety, the environment, general amenity or existing uses due to land pollution.
- 13.11 Matters of contamination were considered under the previous planning permission, with conditions being applied to secure remediation measures and due process should any unexpected contamination be encountered during construction. As a result, the current proposal is not considered to require any further investigation. The Contaminated Land Officer has recommended informatives for best practice and the procedure to follow should any unexpected contamination be encountered.

Flood Risk and Drainage:

- 13.12 Section 2 Policies CC1 and DM23 state that development will be directed to locations with the least impact on flooding or water resources. Policy DM23 includes the provision that, where proposals include driveways, hardstanding or paving, the use of permeable materials and landscaping will be sought to minimise the cumulative impacts of flooding from such developments.
- 13.13 The site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. In terms of the development leading to flooding elsewhere, the proposed car parking area would retain permeability as it would be surfaced with reinforced grass, rather than a solid macadam or paved surface, so surface water run-off would be limited.
- 13.14 The previous planning application for the community building did not trigger consultation with the Lead Local Flood Authority (LLFA), but included SUDs drainage and was assessed on its own merits taking into account relevant planning policy, as well as national guidance on such matters. Similarly, the scale of the current proposal would not trigger statutory consultation with the LLFA. They have however been consulted in order to ensure that the additional car parking would not have an adverse impact on the SUDs drainage secured under the previous planning permission. A holding objection has been issued, but further clarification is being sought with the LLFA given the circumstances of the case and the submission of further information. Given the small scale nature of the proposal (such that it would not normally trigger consultation with the LLFA in anycase) it is reasonable to consider that this matter can be resolved. As such, it is requested that

delegated authority be given to pursue the matter further to a satisfactory conclusion, subject to any conditions that the LLFA may advise.

Ecology:

- 13.15 Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment.
- 13.16 Various Section 2 Policies seek opportunities to safeguard and enhance biodiversity throughout the Borough. In particular, policy ENV1 requires development proposals to be supported by appropriate ecological surveys where necessary; conserve or enhance the biodiversity value of greenfield and brownfield sites (minimising fragmentation of habitats); maximise opportunities for preservation, restoration, enhancement, and connection of natural habitats; and incorporate biodiversity net gain of at least 10% in line with principles outlined in the Natural England Biodiversity Metric.
- 13.17 Place Services Ecology were instructed to review the proposed development on behalf of the Council, particularly with regard to how mitigation and enhancement measures could be achieved given that the proposed car parking would be sited in the area where such measures were secured under the previous planning permission; it was considered necessary to ensure that ecological mitigation and enhancement measures would not be compromised as a result of the additional development. Having reviewed the Ecological Appraisal (re-submitted from the previous permission) alongside the current proposals, Place Services concluded that there is sufficient ecological information available with which to determine the application and that the mitigation measures identified in the appraisal remain suitable. There is no requirement for additional measures, provided that the mitigation measures identified in the appraisal are conditioned to be carried out.
- 13.18 In order to ensure that enhancement measures will be implemented, a condition is recommended to secure a Biodiversity Enhancement Strategy. Place Services also confirmed (separately) that they were satisfied that a 10% Biodiversity Net Gain could be achieved via an agreed enhancement strategy at this site. The condition is therefore considered to be necessary and appropriate in order to mitigate the proposed development and meet planning policy requirements.

Impact on the Character of the area:

- 13.19 Policies SP7 and DM15 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Policy SP7 states in particular that all new development must meet high standards of urban and architectural design.

- 13.20 The proposed car parking would be surface level only. There would not be any above ground features (other than a small element of signage required to identify the area as overspill car parking) so there would not be an overtly immediate visual impact on the street scene or character of the area from wider views. In terms of closer views, the visual impact would be reduced by virtue of the surfacing being reinforced grass, thereby having a green and 'landscaped' appearance. This is considered appropriate given the context of the site with the surrounding parkland and addresses local resident concerns regarding loss of 'green space'. The surfacing of the car parking area can be conditioned to ensure that it is carried out as approved and retained thereafter.

Impact on Amenity:

- 13.21 Section 2 Policy DM15 requires all development to be designed to a high standard that protects and promotes both public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 13.22 Whilst a larger car parking area would potentially result in more car movements on site, although these would be in connection with the use of the building and a condition can be included to restrict use of the car park in accordance with the opening hours of the building which would reduce noise and disturbance late at night/early in the morning. The overspill car park would be located on the western side of the site, a considerable distance from residential properties to the east and with the intervening features of the bypass road and the community building itself, so disturbance would be minimised in any case. The Council's Environmental Protection team have considered the application and have not raised any concerns in respect of amenity issues, although they have recommended a condition to control construction hours in the interests of neighbouring amenity and this condition is considered necessary and reasonable.

14.0 Planning Balance and Conclusion

- 14.1 Section 1 Policy SP1 states that, when considering development proposals, the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 14.2 In this case, whilst the proposed car parking would result in the site exceeding the maximum car parking levels set out in planning policy, there are mitigating circumstances that leads to the conclusion that the proposed development can be approved. The proposed car parking would be used as an overspill car parking area, so would not be part of the main car park or used for regular car parking and would not be seen as such having a grassed surface. Its visual impact would therefore be minimal and would not necessarily promote car use over other more sustainable modes of transport. Ecological mitigation and

enhancement measures can also be secured. The proposal is therefore considered to be acceptable from an environmental point of view. Economically, the car parking would be of benefit to both users and visitors to the site, which would in turn enhance the viability of the building. From a social perspective, the car parking would potentially enable a greater use of the site (perhaps by those unable to access by other means) and the additional car parking would relieve any (perceived or actual) pressure for parking in the nearby residential areas, this being a concern that has been expressed previously by local residents.

- 14.3 Subject to reaching a resolution in terms of drainage, the proposed development is considered to be acceptable in terms of planning policy, having had regard to other material planning matters and necessary planning conditions.

15.0 Recommendation to the Committee

15.1 The Officer recommendation to the Committee is for:

To grant Delegated Authority to address the Lead Local Flood Authority holding objection (in relation to Sustainable Urban Drainage) and apply or modify any conditions as necessary. Subject to drainage matters being resolved, APPROVAL of planning permission subject to the following 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

Unless otherwise stipulated in the conditions below, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

Site and Location Plans (2103 DE 10-100 Revision A);

Site GA Plan (2103 DE 10-400 Revision B);

Site Landscaping Plan – North (2103-DE / 10-01 Revision A); and

Site Landscaping Plan – South (2103-PI-10-02 Revision E).

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Use of Car Park

The car parking area hereby approved shall provide for 26 car parking spaces and shall only be used during the hours that the community building to which it serves is in use.

Reason: For the avoidance of doubt as to what has been approved and in the interests of preventing undue noise and disturbance to neighbouring residents.

4. Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

5. Ecological Mitigation Measures

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Practical Ecology, June 2020), as appended by drawing no. 2103 DE 10-400 Revision A. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

6. Surfacing

Notwithstanding the submitted drawings, the car parking area hereby approved shall be constructed and surfaced with a PERFO system for reinforced grass, as per Barefoot & Gilles emails, dated 4th July 2022 16:17. The reinforced grass system shall be fully installed/constructed prior to the car park being first used and shall be maintained as such thereafter.

Reason: In order to maintain a softer and landscaped appearance in the interests of visual amenity and the character of the area.

7. Biodiversity Enhancement Strategy

The car parking area shall not be brought into use until a Biodiversity Enhancement Strategy for protected and Priority Species has been submitted to, and approved in writing by, the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

8. Signs for Overspill Car Parking

The car parking area hereby approved shall not be brought into use until a sign (or signs) have been erected to identify the area as overspill car parking only.

Reason: In order to maintain the car park as an overspill parking area so that visitors are encouraged to access the site by alternative and more sustainable modes of transport, and in order to ensure that compaction of the ground is reduced so that the reinforced grass system is established.

16.0 Informatives

16.1 The following informatives are also recommended:

1. Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

2. Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. Highway Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

4. Contaminated Land Informative 1

The applicant is advised that the site to which this planning permission relates is located within 250 metres of filled land.

If changes are to be made to the foundations of the development site, or other groundwork to be undertaken, the developer should ensure that, in accordance with current best-practice guidance on appropriate construction methods, precautionary measures are incorporated, sufficient to minimise risks from any ground gases. If changes to foundations are proposed, prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site

investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The Local Planning Authority should be given prior notification of any proposed remediation scheme. Further advice can be found in the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

5. Contaminated Land Informative 2

In the event that historic 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 re-commence 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 all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

6. Ecology Informative – insect hotels and bee boxes

Please be advised that insect hotels and bee boxes should not be shaded and should ideally face in a southerly or easterly direction to increase the amount of sunlight they are exposed to. Please take this into account as part of the Biodiversity Enhancement Strategy required under condition of this permission.