



**Application No:** 160071

**Location:** Bourne Court, Colchester

**Scale (approx):** 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2015

## **7.5 Case Officer: Carl Allen**

**MAJOR**

**Site:** Bourne Court, Colchester

**Application No:** 160071

**Date Received:** 13 January 2016

**Agent:** Mr Robert Pomery

**Applicant:** Mr Alistair Cock

**Development:** Erection of 27 Residential Units, complete with access and parking provision.

**Ward:** Berechurch

**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 that involves the signing of a S106 agreement and has received objections from neighbours.

### **2.0 Synopsis**

- 2.1 The key issues explored below are those of amenity, design, highways, flooding and the provision of affordable housing. In these regards the application raises no issues and has no objections from key consultees. Approval, with conditions is recommended.

### **3.0 Site Description and Context**

- 3.1 The site is an area of land consisting of approximately 0.71 hectares. The land is the former site of the Co-op funeral home although the building has been demolished for some years. The site has some areas of hard standing, grass, trees and a pond. To the east of the site is an access track that has the rear gardens of Dudley Close on the northern side and a tree lined boundary with Colchester Cemetery (a Local Wildlife Site) on the southern side. The access track leads to locked gates and then the highway of Dudley Close, which in turn leads onto Mersea Road. To the south of the site the land increases in height towards the boundaries with the rear gardens of dwellings in Queen Mary Avenue. To the west is an access onto King George Road and the rear gardens of dwellings along King George Road back onto the site. To the north-west of the site are dwellings off Sandringham Drive whilst to the north the land increases in height again with trees on the boundary and the highway of Dudley Close beyond.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for 27 dwellings consisting of a mix of houses, two one bedroom bungalows and a block of six flats that would be for the affordable market, including access road, public path/cycle way and parking areas. The main access to the development would be from King Georges Road, whilst one bungalow would be accessed from Bourne Court and the path/cycle way would connect the site to Bourne Court.

## **5.0 Land Use Allocation**

- 5.1 The land is allocated for housing.

## **6.0 Relevant Planning History**

- 6.1 O/COL/05/0905 – Outline application for residential development. Withdrawn.  
132075 – Residential development comprising up to 24 no. dwellings, associated landscaping and vehicular access from King George road. Outline Consent, approved.

## **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  
UR2 - Built Design and Character  
H4 – Affordable Housing

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

DP1 Design and Amenity  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP4 Community Facilities  
DP12 Dwelling Standards  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes

7.4 Regard should also be given to the following adopted Supplementary Planning

Guidance/Documents:

Community Facilities

Vehicle Parking Standards

Open Space, Sport and Recreation

The Essex Design Guide

External Materials in New Developments

Affordable Housing

Cycling Delivery Strategy

## **8.0 Consultations**

8.1 Highways – No objection subject to various highway related conditions.

8.2 Environmental Protection – No objection subject to conditions.

8.3 Contaminated Land Officer – No objection subject to conditions.

8.4 Archaeology – No objection subject to condition.

8.5 Urban Design – No objection.

8.6 Flood and Water Management (Essex County Council) – No objection subject to conditions.

8.7 Natural England – No comments to make.

8.8 North-East Badger Group – Records show no badgers setts in the site. However, the slope has open holes which are occasionally used by badgers. Badgers have always foraged along the land bordering Bourne Court. Should the slope be landscaped this should be done carefully in case badgers are present.

8.9 Colchester Cycling Campaign – Cycle route through the site will be strategic. Route should be on road (20mph) or on a separate track separated from pedestrians. Any bollards should have fluorescent markings and lit by LEDs. Should not be a through route for motor vehicles.

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

## **9.0 Parish Council Response**

9.1 N/A

## **10.0 Representations**

10.1 Thirteen objections. Object due to;

- bungalows on the drive access
- two dwellings have reappeared on the plans and they are too close to gardens and trees
- the drive should be kept for wildlife

- path will allow druggies access to climb over fence/increase crime
- path will create anti-social behaviour
- overlooking
- noise from new residents
- loss of pond and wildlife
- will no longer be able to see deer
- bungalows are more desirable than chalets on the access
- impact on property value
- access lane is barely wide enough
- Bourne Court/Dudley Close are not suitable for more traffic
- on street parking issues
- access onto Mersea Road from Bourne Close is already difficult
- danger to children from construction traffic who play in the Dudley Close cul-de-sac
- Twenty seven homes = 52 cars that would overload the lane
- lane would become a rat run
- if filled in the area will become flooded
- land has flooded in the past and the Environment Agency map the area as having a high risk of flooding
- provision for drainage is needed
- local schools already over crowded
- areas for the removal of rubbish are not shown
- were told years ago that if more than 24 homes were to be built they would receive compensation from the Council
- what properties for the elderly, private and housing association?
- what will happen to the boundary fences?
- Is this process a joke – have a letter saying that planning permission has already been granted and the only choice is about the foot/bike path
- where is the need for the development?
- lighting the footpath will cost the tax payer
- footpath should be shorter
- loss of view

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

## **11.0 Parking Provision**

- 11.1 Fifty three off-street parking spaces would be provided. The scheme complies with the adopted parking standards.

## **12.0 Open Space Provisions**

- 12.1 An area of public open space would be provided in the centre of the proposal.

## **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:  
The provision of six affordable dwellings.

## **15.0 Report**

- 15.1 Planning application 132075 gave outline consent for 24 dwellings at the site - which is allocated for housing and is inside the Settlement Boundary. This proposal is a full application and includes three additional dwellings compared to the outline consent. Whereas the outline consent included four bedroomed dwellings this current proposal is for 12 two bedroom dwellings, seven three bedroom dwellings, six one bedroom flats and two one bedroom bungalows.

- 15.2 Affordable Housing.

In common with the previous outline consent, this proposal includes six affordable dwellings in the form of a block of one bedroom flats. The position of these flats is in the same part of the site as the previous proposal, namely on the King George Road elevation. Although the total number of dwellings has increased by three to 27, the affordable housing has not increased – but this is not an issue as previously the 6 affordable represented a slight over-provision in policy terms and the current scheme meets the requirement of Policy H4 which requires a 20% affordable provision and in fact the 6 flats represent a 22% provision. The proposal is therefore in clear accordance with Policy H4.

The applicant has also provided a viability assessment which the Council has had independently checked. The conclusion of the independent check is that the proposed values are reasonable and that no additional affordable housing could be viably provided.

Other Contributions.

The Outline consent of 132075 did not have any other contributions apart from the provision of six affordable dwellings. Whilst the current proposal has an additional three dwellings there is no justification to ask for any new contributions for education etc. based on the additional dwellings.

- 15.3 Design.

The design and layout of the scheme has evolved since first being submitted after discussions with the Council’s Urban Designer. As such the scheme is considered to be acceptable and the immediate concerns regarding the two one bedroom bungalows along the track that leads from Bourne Court have been addressed. These two dwellings would now be small bungalows with no first floor accommodation and would appear as small gatehouse style dwellings and would not appear as being cramped on the site. The block of flats which would accommodate the affordable dwellings is well designed with good materials and detailing. As a result the building would not appear as a lower quality construction and would not read as being a different tenure.

#### 15.4 Amenity.

The proposal has been well designed with dwellings positioned not to overshadow or overlook existing neighbours. The plot sizes are acceptable, do not appear cramped and comply with the amenity space requirement of DP16. There were concerns originally about the two bungalows on the lane that leads from Bourne Court, as there were two options shown – including a chalet style with dormer windows. This design has now been changed so to have no windows at first floor and so cancels out overlooking concerns. It would however be prudent to remove Permitted Development Rights for these two dwellings, so that roof lights and dormer windows could not be added without consideration by the Planning Authority. It would also be wise to remove the rights to extend these two dwellings given the size of the plots. Noise from the new dwellings has been raised as an issue. Noise during the construction phase would be a temporary disturbance which would not justify a refusal. The working hours during construction can be conditioned. The noise from the site once occupied would be no different from any other residential area. Considered that with these conditions the proposal would comply with DP1.

The issue of crime and the path/cycle way has been raised. The design of the scheme with the two bungalows at either end of the path/cycle way gives a strong element of purveyance to the pathway and would help to make the area unattractive for anti-social behaviour/crime.

#### 15.5 Highways.

The proposal retains the path/cycle way along the lane from Bourne Court and into the site, that was shown and approved under the outline permission. This route is seen as a strategic link between Mersea Road and development to the north-west and will only be for the use for cyclists and pedestrians. For motor vehicles the only way into the development will be via King George Road, not Bourne Court/Dudley Close as believed by the objectors. The only proposed dwelling that would have access to Bourne Court would be the proposed bungalow that is closest to Bourne Court and this one access does not present any highway safety issues. The routing to and from the development was one of the key issues in the granting of the previous Outline consent and given the route into the development remains as previously agreed, there are no highways issues or objection.

With regards to parking, the 27 dwellings would have 53 off-street parking spaces. The Parking Standard is a minimum standard for dwellings and requires the 19 two plus dwellings to provide 38 parking spaces and the eight one bedroom dwellings to provide eight spaces. The 27 dwellings would also need to provide seven visitor spaces, making a total of 45 parking spaces. The proposed 53 spaces clearly exceeds the minimum standard and complies with DP19.

#### 15.6 Wildlife.

The application included several wildlife reports. A Reptile Survey which was carried out by consultants who undertook the previous survey for 132075. The new survey was undertaken between August and September 2015 and no reptile species were found at the site – which was the same finding as the previous investigation. The consultant recommends that if the development does not start within two years of the last survey then the site should be resurveyed to ensure that the site has not been colonised in the interim. As it would be prudent to condition this requirement.

A badger survey found minimal evidence of badger activity. All holes were inactive but there was potential for commuting and foraging on the boundary with the cemetery. The report recommends that precautionary measures are put in place during the construction phase to minimise disturbance. A Phase 1 wildlife report was also

submitted and found that some of tree had a low to moderate opportunity for bat roosts and suggests that lighting is minimised during the construction period. Based on these reports it is concluded that the proposal would not put any protected wildlife at risk and conditions concerning the construction phase would give suitable protection to wildlife during construction. Therefore, there are no issues in regards to DP21.

#### 15.7 Flooding.

The Flood and Water Management team at Essex County Council originally raised an objection to the scheme, based on the site being within a wider area that is liable to rainfall flooding (not river or tidal flooding). After various exchanges of additional information the objection has been withdrawn and there is now a recommendation of no objection , subject to conditions from the Flood and Water Management team. With the suggested conditions the proposal would not add to the flood risk at the site and wider area and run off would be adequately managed. The proposal would therefore comply with DP20.

- 15.8 Issues not planning considerations include the loss of a view, impact on property values and the cost to the tax payer of lighting the pathway. The comment that the Council stated that if more than 24 dwellings were ever to be built then the Council would give compensation to neighbours is a not a recognised statement that the Council would give.

### 16.0 Conclusion

- 16.1 Given that the scheme is well designed, has no amenity, wildlife, flooding or highway issues and provides affordable housing to the required standard, approval with conditions is recommended.

### 17.0 Recommendation

APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Six affordable dwellings.

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

### 18.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



## 19.0 Conditions

### 1 - Non-Standard Condition/Reason

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 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 6301-1101, 6301-1107.D, 6301-1108.D, 6301-1109.D, 6301-1302.C, 6301-1304.D, 6301.1306, 6301-1401, 6301-1115 and NC15.213-P201 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

### 4 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected to plot numbers 26 and 27 unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped/ cramped appearance and to prevent overlooking to existing neighbours.

### 5 - Non-Standard Condition/Reason

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.

### 6 - Non-Standard Condition/Reason

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

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- and a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

#### 7 -Non-Standard Condition/Reason

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

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

#### 8 - Non-Standard Condition/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:

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Borough Council's Core Strategy (2008).

#### 9 - Non-Standard Condition/Reason

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority.

The submitted landscape details shall include:

- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- retained historic landscape features;
- proposals for restoration;
- planting plans;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- implementation timetables and monitoring programs.

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

#### 10 - Non-Standard Condition/Reason

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

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

#### 11 - Non-Standard Condition/Reason

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

#### 12 - Non-Standard Condition/Reason

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

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

#### 13 - Non-Standard Condition/Reason

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

#### 14 - Non-Standard Condition/Reason

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

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

#### 15 - Non-Standard Condition/Reason

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

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

#### 16 - Non-Standard Condition/Reason

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

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

## 17 - Non-Standard Condition/Reason

Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11 and the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers.

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

## 18 - Non-Standard Condition/Reason

Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

## 19 - Non-Standard Condition/Reason

Prior to the commencement of development other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved, unless otherwise agreed, in writing, by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

#### 20 - Non-Standard Condition/Reason

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 19, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 20.

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

#### 21 - Non-Standard Condition/Reason

Prior to the commencement of development details of lighting (including luminance levels) to public areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety before the first dwelling is occupied.

Reason: In the interest of the local amenity.

#### 22 - Non-Standard Condition/Reason

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

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

#### 23 - Non-Standard Condition/Reason

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

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

#### 24 - Non-Standard Condition/Reason

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

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

#### 25 - Non-Standard Condition/Reason

Prior to the first occupation of the hereby approved development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 43m to the north and 2.4m by 43m to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and maintained/retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, in the interest of highway safety.

#### 26 - Non-Standard Condition/Reason

If the development commences after a period of two years after the submitted Reptile survey that accompanied the application, then the site shall be resurveyed for Reptiles and the survey findings sent to the Local Planning Authority. Any recommendations of the report shall be adhered to.

Reason: To ensure that any reptiles present can be preserved.

#### 27 - Non-Standard Condition/Reason

No development shall commence until full and precise details of habitat protection for badger foraging has been submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the habitat of badgers during the construction period.

### 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.