



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 2017

Item No: 7.1

Application: 190753

Applicant: Mr S Williams

Agent: Kevin Coleman

Proposal: Erection of 20 residential properties with associated access, amenity space, car parking, servicing, landscaping and utilities. REVISED PLANS RECEIVED for 19 dwellings (including 1 affordable unit & 1 Flat over garage)

Location: Rowhedge Wharf, Former Rowhedge Port, Rowhedge, Colchester, Essex

Ward: Old Heath & The Hythe

Officer: Sue Jackson

Recommendation: Approval subject to section 106 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 representations raising material objections have been received. A legal agreement is also required.
- 1.2 Councillor Lilley has called in this application on behalf of all 3 Ward Councillors and the Public, “because its completely different to the previous plan. I believe it to be over development to the detriment of the surrounding area and to the Village.
The demolition of the Historic Pump House is a destruction of old Rowhedge and should be kept as part of the History of the Wharf and Village.
The original plan was for a communal building for the village and a footpath through the woods connecting to the Recreation Ground for schoolchildren to use instead of walking the paths or being driven there.
The Bloors site is already experiencing problems with too many vehicles. There is no Bus route there so everyone is using their cars.
This application is a step too far in the terms of over development by cramming in so many houses in that space. If the Pump house was kept and given to the Village then this would be a compromise for putting up with over development. It could be used for heritage and other village organisations especially as it will link the new with the old. Something that is lacking at the moment.”

2.0 Synopsis

- 2.1 The key issues explored below are the planning history and relevant policies, an assessment of the proposed development, the location of the site, matters raised in the representations will be discussed including those relating to the Pump House. Section 106 obligations will be explained. The report will include a summary of the consultation responses received.
- 2.2 The application is subsequently recommended for permission subject to a legal agreement.

3.0 Site Description and Context

- 3.1 The site is located to the south of Rowhedge village. It has an area of approximately 1.4 hectares and is of irregular shape. It has a frontage (south boundary) to Rowhedge Wharf Road (the improved former haul road), and faces new dwellings being constructed by the applicant on the opposite side of the road. The rear (north) boundary abuts the rear of dwellings in Parkfield Street and the curtilage of flats in Stephen Cranfield Close. The east side boundary fronts a public right of way (PROW) and an undeveloped area of land forming part of the former wharf. The west side boundary faces an area of protected woodland; the tree preservation order (TPO) includes trees within the site.

The site forms part of the former wharf more recently used for storage purposes and lies adjacent to a single storey brick Pump House. The site

has been cleared and is now used by the applicant as their site compound in connection with the adjacent development.

- 3.2 Residential development by Hills and Bloor Homes is taking place on substantial areas of the former wharf to the east and south of the site.

4.0 Description of the Proposal

- 4.1 This planning application has been amended since the original submission, with initially 20 units were proposed. The application now seeks full planning permission for the erection of 19 dwellings. The following unit mix is proposed: one detached affordable unit, 6 3-bed units in linked pairs 10 2-bed semidetached units a detached 2 bed unit and 1 2-bed flat over garage.
- 4.2 There have been amendments to the application since the submission of the application. The most significant is that the Pump House building has been omitted from the application. The applicant has also worked with officers to revise the layout to ensure that the built form satisfactorily addresses the street scene, retains important trees and protects residents' amenity. The ground level of the site will be raised to match the level of the adjacent development to satisfy the Environment Agency requirements in respect of flood risk.
- 4.3 The application includes the following documents:
- Planning Statement
 - Design & Access Statement
 - Remediation Method Statement
 - Flood Risk Assessment & Drainage Strategy
 - Archaeology Report
 - Tree Survey
 - Archaeology Assessment
 - Ecological Assessment

5.0 Land Use Allocation

- 5.1 The site is within an area allocated for predominantly residential purposes on the Adopted Local Plan Proposals Map. On the north and west boundaries small parts of the site are located within a Local Wildlife site with trees protected by a Tree Preservation Order

6.0 Relevant Planning History

- 6.1 160551 Demolition of existing vacant commercial units and comprehensive residential redevelopment comprising 86 no. new residential dwellings, together with associated hard and soft landscaping, access, car parking and servicing, amenity space, and associated utility infrastructure.
- 6.2 144693 - Redevelopment of part of former Rowhedge Port to provide 170 dwellings, a potential community facility building (use classes A1, A3, A4,

B1, C3, D1), public waterfront area incorporating dinghy park, car park, viewing platform, public facilities, new river wall and new subway, upgrade to access road from Rectory Road, new footpath from access road to existing recreation ground, internal roads, open spaces, drainage, landscaping and all ancillary works. Approved

- 6.3 142437 - Full Application for “Proposed modified junction and upgraded access road for the former Hall Road, Road off Rectory Road Rowhedge.” Approved 24 June 2014

There is also extensive history relating to the former uses on the site.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
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
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

- 7.4 Some “allocated sites” also have specific policies applicable to them. 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

- 7.5 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development
ECC's Development & Public Rights of Way
Planning Out Crime
Rowhedge Wharf Development Brief adopted 2004

8.0 Consultations

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

8.2 Urban Design Officer

The Urban Design Officer has been involved in negotiating improvements to the layout and house types. The UDO is generally supportive of the approach taken but has requested revisions to enhance the detailing of the scheme and these matters have been incorporated into the suggested conditions.

8.3 Historic Buildings and Areas Officer

The main interest of the application site from a heritage perspective involves the presence of the Pump House. The former pumping station is associated to the Water Tower which is located about 350m to the west. The Water Tower is listed at Grade II (NHLE List Number 1389625) and was built at 1902. This date, along with the evidence from historic maps, provides an indication of the Pump House's date of construction.

The proposed scheme includes the removal of the former pumping station. A Statement of Significance has been recently submitted to support this proposal. The document concludes that the Pump House is not of special interest or heritage significance. However, it is felt that the conclusions are informed by an assessment with the national listing criteria in mind and the local context and heritage significance has been overlooked.

The significant level of local objection and comments received which oppose the demolition of the Pump House demonstrates the interest, appreciation and significance of the Pump House to the local community.

The former pumping station, which is in a fairly good state of repair and its original form hasn't been altered by the modern timber frame addition, meets the criteria set by Historic England's guidance and Colchester Borough Council's List criteria for its inclusion in the emerging Boroughwide Local List. In the interim and by virtue of its heritage significance which derives from its historic and **functional** association to the listed Water Tower, its illustrative value as evidence of the technological development of Rowhedge's infrastructure and its communal value as a historic asset that is treasured by the local community as an integral part of Rowhedge's identity, history, character and collective memory, the Pump House is regarded as a non-designated heritage asset that merits consideration in planning decisions, according to the definition of NPPF.

More specifically, NPPF's Par. 192(a) states that the determination of applications should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Additionally, Par. 197 clarifies that the decision of applications should consider their effect on the significance of a non-designated heritage asset and when applications directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. (NPPF. 2019, p.55-56)

At the same time, the relevant policies from Colchester Local Plan 2001-2021 include Core Strategy ENV1, which states that "The Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Council will safeguard the Borough's biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance" (CBC, 2014, p.73) and Development Policy DP14 which clarifies that the Borough's Heritage Assets will be protected and enhanced. The proposed development will result in the loss of the Pump House and therefore, the proposals fail to comply with the national and local policies for the protection of heritage Assets and cannot be supported on heritage grounds. The optimum proposal for the Pump House would involve a communal use, possibly associated with interpretation of the industrial history and heritage of Rowhedge, although other uses that consistent with its conservation, as required by NPPF's Par. 192(a) can be explored as well in order to safeguard the historic asset. (officer comment: The scheme has been revised in the light of comments received to retain the Pump House and provide vehicular access and dedicated parking.)

8.4 Landscape Officer

To accord with the Council's Landscape strategy for development sites the landscape element of the proposal needs to be cross-checked against the Council's standard generic requirements under Landscape Guidance Note LIS/A

In support and addition to this/these LIS/A clauses the following point(s) should be taken into consideration as part of any revised proposals:

- 1.the curtilage treatment proposed needs to be revised
- 2.Given it's potentially exposed nature at the entrance to the wider Rowhedge Wharf development the proposed side enclosure treatment to boundary to plots/areas adjacent to the woodland needs to be revised to a native hedge and hedgerow trees set in front of a dark stain hit-&-miss 1.8m high fence. This treatment softening the impact of the development edge with a treatment that complements its setting and merges with the adjacent woodland.

8.5 Arboricultural Officer

I am satisfied with the arboricultural content of the proposal subject to conditions to secure reduced dig construction where parking bays are proposed close to trees and the retention or reinstatement of vegetation to the north boundary.

8.6 Environmental Protection

No objection subject to conditions.

8.7 Archaeologist

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

8.8 Contaminated Land Officer

This application is for 19 residential units on a site where approval for 12 residential units have already been approved as part of a larger land parcel (ref. 160551), together with some additional land which was not included in the 2016 application.

Consequently, whilst the applicant has resubmitted a remedial strategy relevant to the previous approval, this will not be acceptable for the current application (although elements of it will, of course, be able to inform any revised reporting). A revised risk assessment will be required to be drawn up, taking into account the proposed new site layout, including assessment of potential risks to residential properties with private gardens (as distinct from the maisonettes in the previous scheme) and assessment of all relevant potential contamination linkages associated with the land in the eastern section of the application site, where there has been no risk assessment to date.

However, based on the information available to date, it is expected that the land can be made suitable for the proposed use, with these contamination matters dealt with by way of planning condition. Should this application be approved, Environmental Protection would therefore recommend inclusion of conditions:

We would also recommend that the Environment Agency are invited to make comments on this application.

8.9 Natural England

European designated sites

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester Borough Council, working together to mitigate the effects arising from new residential development.

Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites; the latter are listed or proposed Wetlands of International Importance under the Ramsar Convention and are protected as a matter of Government policy.

Paragraph 176 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of

steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process.

Sites of Special Scientific Interest Impact Risk Zones

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

8.10 Anglian Water

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence".

Wastewater Treatment

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

Used Water Network

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

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the

preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

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.

SUDS Lead Local Flood Authority position

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

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application, you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

8.11 Environment Agency

We have no objection to this planning application, on flood risk grounds, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Contaminated Land The site overlies secondary A aquifers (Alluvium and River Terrace Gravels) and is adjacent to a watercourse, which flows to a nearby main river (River Colne). It is known from work on the adjacent site that the underlying River Terrace Gravels is in direct hydraulic continuity with the watercourse. We therefore consider that the location of the site is sensitive with respect to controlled waters. We understand this application is a revision of application 160551 and is now incorporating additional land, which was not included in the first application. We have briefly reviewed the following document provided with the application:

Remedial method statement provided by Hills Group Limited (dated December 2015, reference 100944/RMS/R001). This document has not been updated to reflect additional land that is now included in this application.

The applicant should conduct a site investigation on the new part of the development and update the conceptual site model and risk assessments to reflect the new information to consider risks to controlled waters.

We recommend conditions are included in any planning permission granted.

9.0 Parish Council Response

9.1 The Parish Council have stated that East Donyland Parish Council objects to this planning application on the following grounds:

- i) Rowhedge does not have the infrastructure in place to support a further increase in housing within the village.
- ii) The application proposes only two affordable housing units on the site which is a reduction compared to the original planning consent.
- iii) Loss of the Pump House, a historic building, which was not part of the previous application and represents a significant loss to the village.
- iv) The strength of local feeling in opposition to this application - there has already been significant development of this brownfield site, and this proposal to increase the number of houses even further through demolition of a historic asset is not in the interests of the local community. (Officer comment: The scheme was subsequently revised in the light of representations to secure the retention and re-use of the Pump House with the provision of access and parking.)

10.0 Representations from Notified Parties

10.1 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.

- 10.2 The original application includes the land containing the Pump House and proposed the demolition of the building and inclusion of the land in the residential site. Over 100 representations were received in respect of the original application the majority objecting to the demolition of the Pump House.
- 10.3 These objections are summarized in the response from the Rowhedge Heritage Trust which is set out below

Rowhedge Heritage Trust

1. The building is one of a few historic buildings of quality in Rowhedge which could be put to community use. It was part of the water supply system for Rowhedge, housing the machinery used to pump water up to the water tower in Parkfield St, (which is still standing and is a listed structure).
2. The development is not in the Local Plan.
3. The Rowhedge Heritage Trust is ready to become a major user, partly as a permanent home for its growing collection of artefacts, and partly for cultural and social activities such as exhibitions, workshops, meetings, school visits etc. It has 10 years of experience of running the Heritage Hut on Lion Quay.
4. The development is not in the original Wharf Development Plan
5. It stands in an ideal location, between the old village and the new development, to form a link and common ground between the two parts of the community, which are otherwise quite separate.

Officer comment: Members will note a substantial number of representations have been received relating to the loss of the pump house which was to be demolished under the original application. Residents consider this building should be retained as it represents the last remaining example of industrial heritage. Residents also consider the building should be used for community purposes. There is also comment that the demolition of the pump house goes against the original proposals for the building.

- 10.4 The Council's Listed Buildings and Areas Officer and Archaeologist consider the building should be locally listed as an undesignated heritage asset.
- 10.5 Following public comment and officers view the Pump House should be locally listed the application was revised and this building is now excluded from the red line of the application site. However Members should be aware that the building does not satisfy the criteria to be designated as a community asset as its previous use as a pump house was not a community use. Members should also note that the previous application did not include the building and there have been no applications for its use for community or any other uses. The application by Bloor Homes does include a building with potential for community use but this is on a different part of the site. The 2004 Development Brief includes reference to community uses but makes no mention of the Pump House. As the building is in the flood zone this could restrict alternative uses acceptable to the Environment Agency.

10.6 Other objections raised to the original application are summarized below;

- Services and infrastructure are overwhelmed including the school, doctors surgery and the roads. To cite Wivenhoe surgery as being a second service is laughable Even a small increase to demands on the (Rowhedge medical practice) should be opposed unless resources are made available for extension of its facilities.
- The proposed development will add to the density of population in a compressed area with narrow roads
- Existing properties do not use the provided "carports" except for storage or refuse; thus, on street parking is already dense and sometimes provides obstacles for pedestrians on pavements.
- The definition used of "affordable" homes is nonsense in the context of average earnings of local people and particularly young people without family financial support, thus increasing local inequities and increasing travel to work pressures.
- The health impact assessment is partial. It does not factor in the increased number of car and commercial vehicle journeys up the access road to the development, at the junctions with Rowhedge Road and Fingringhoe Road.
- There has already been far greater loss of woodland and habitats than originally promised: we all know of displacement of local wildlife into gardens resulting in damage and risk. The erosion of further tree margins should be stopped now.
- Residents privacy would be invaded as the houses would be looking in to gardens.
- Contractors need to respect residents' privacy
- Three storey town houses will obstruct residents views of the woodland
- The current development has parking issues/disputes and the lack of space for work vans, this space should be utilised for extra parking.
- There is currently only one road in and out of the new development, the old Wharf rd. With these new plans to build further houses close to the high street would there be access from the high street?
- The development also needs separation from the original village to keep open space and views.
- Some clauses in the building agreements signed by both development companies have not been honoured such as keeping a public right of way path open during building works
- Residents were promised by Hills nothing will be built to obstruct views of the river
- There has been flooding in the High Street where none existed before near the pump house. The prolonged dry weather has masked the flooding risks
- Residents were promised a wide footpath and a public space here
- Bloor encountered several issues regarding water, spring, poor drainage whilst they were constructing the new Wharf Road. Those problems did not go away after the new road was built. Even after the new road was built, there were several problems along where Hills now want to build, some problems led to local flooding at the

bottom of the hill. There are natural springs in this area which cannot be easily 'dealt with'.

- The houses would enable people to look straight into bedroom windows and overlook secluded gardens and would also block out sunlight
- The ground level will be higher than our garden fence
- There is historical soil contamination
- Damage from future piling.
- The sales team confirmed that there would not be any further affordable housing on the site.
- The new houses will effect/ obstruct our view of the woodland
- If this new build is allowed to proceed without affordable housing included in the plan; then once again CBC will be letting down the people that are in great need of finding a home.
- Traffic must not come to the site from the High Street
- The additional dwellings, their occupants and the vehicles will materially affect the load on the villages resources. Every single extra building is extra people consuming resources and producing waste, extra patients at the surgery, extra school places, more cars, more light pollution, a few more trees cut down. etc etc.
- Statements show that the developer is not expecting to make anything but the smallest of contributions s106 wise by way of recompense for the destruction of the Pump House and the extra 8 dwellings he will profit by

10.7 Councillor Fox objected to this development for the following reasons:

This plan is contrary to the previously agreed Wharf Development which was in line with the Local Plan

The demolition of the Pump House would see the loss of a significant structure in the history of the development of Rowhedge. The building was used to pump water to the Rowhedge Watertower in Parkfield Street which is still standing and is a listed building. The two buildings share the same historical and social background and co-exist as complementary structures. The Pump House is a viable building and should be retained as part of the development, as agreed in previous planning decisions. The local community, residents and groups in the village want the Pump House to be retained as a community asset. There are a number of groups and individuals who wish to retain this viable building for community use.

10.8 Councillor Scordis I feel this proposal needs to be rejected for the following reasons;

- This is a change to the current wharf development plans;
- There has been no consultation with the Parish Council;
- It is not in the Local Plan;
- There are contamination issues and drainage issues at the site already;
- There has been no time for an impact assessment of the current houses in the wharf development;
- This land was promised for the benefit of the community;
- Parking is already a major issue and this will add to the problem.

10.9 There are two letters of support:

- the village is lovely and more people should be able to enjoy the village and community. It also creates more jobs in the building trade;
- The pump house hasn't been used for years and would be a massive improvement to the land;
- People need somewhere to live so why not build on a derelict site.

10.10 Seven letters have been received following neighbour notification on the revised plans re-iterating earlier objections.

11.0 Parking Provision

11.1 The parking provision satisfies the Councils Adopted parking standards which requires all the units to have 2 parking spaces and the 19 units require 5 visitor spaces. The units each have two parking spaces and 7 visitor spaces are proposed.

12.0 Accessibility

12.1 Please refer to Design & Access Statement regarding duties under the Equalities Act

13.0 Open Space Provisions

13.1 The houses each have a private amenity area and 10% of the site is shown as communal open space. The wider development of the former Wharf has open space in excess of the 10% policy requirement.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

- A contribution of £1,000 per dwelling towards the improvement of the Rowhedge Trail
- Affordable housing - 1 x three bed house
- Open Space Sport & Recreation- a contribution of £23,200.31 for off-site sport and recreation
- Sustainable Transport/Highways – a £20,000 contribution for bus shelter upgrades
- RAMS contribution in accordance with draft SPD to mitigate impacts on coastal designations.

16.0 Report

16.1 The main issues in this case are:

The Principle of Development

16.2 Core Strategy Policy SD1 seeks to promote sustainable development with growth directed to the most accessible and sustainable locations in accordance with the listed settlement hierarchy. The Adopted Site Allocations document Policy SA H1 Housing Allocations states, inter-alia, “Within Colchester Borough (outside of the Growth Areas and Regeneration Areas) the following sites are allocated as predominantly residential on the Proposals Map to deliver housing targets identified in the Council’s Core Strategy; the Former Rowhedge Wharf is one of the sites identified.

16.3 The site is within the Rowhedge settlement boundary within an area identified for predominantly residential purposes on the Adopted Proposals map. Planning permission has been granted for the erection of 12 apartments on part of the site.

16.4 The principle of residential development in this location is therefore established and acceptable.

Design and Layout

16.5 The 2016 permission proposed 12 apartments on part of the site in two buildings described as “Works Buildings” consisting of two shed-like structures reflecting the shape and volume of the two storage sheds being removed. The applicants are not proceeding with this part of the approved development. The submitted scheme proposes houses of traditional design which reflect the style of dwellings recently constructed by the applicants on the opposite side of the road and respect the local architectural character of Rowhedge

- 16.6 The layout originally included a number of dwellings set behind the road frontage which would have resulted in a loss of privacy to existing residents and overlooking of their gardens. These units would have also had views into the rear gardens of the new dwellings fronting the road. The revised layout has the majority of dwellings fronting the road directly. Whilst there are 4 dwellings and a flat over garage (FOG) sited behind the road frontage development of these 2 units are set side-on and located some 12 metres from the rear boundary, the FOG is approximately 10metres from this boundary, the other 2 units are set at an oblique angle to the boundary which satisfies the privacy criteria in the Essex Design Guide.

Scale, Height and Massing

- 16.7 All the buildings are of 2 storeys with no use of roof space and are of traditional domestic scale and massing. The character of the units would be generally consistent with the remainder of the Hills development on the wider site.

Impact on the Surrounding Area

- 16.8 The site previously contained commercial buildings and the wider wharf site included buildings used for concrete block making. When in use as a wharf and when used as warehouses access was via an unmade haul road. The commercial uses have now ceased, and the haul road improved to an adoptable standard. During the construction phase there will be some impact due to vehicular movements and noise from construction, but these impacts will be reduced as far as possible by a restriction on working hours and agreement to a code of construction practise.

Impacts on Neighbouring Properties

- 16.9 The revised layout has been negotiated by officers to overcome issues of overlooking and privacy. Members will be aware there is no right to a view and if residents views of the river are obstructed this is not a planning consideration.

Landscape and Ecology

- 16.10 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) 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 Framework is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

- 16.11 The application is supported by an ecological assessment, which indicates that the proposed development will not have any impact on local wildlife designations. The site is located in close proximity to internationally designated sites and the applicant has agreed to make the appropriate financial contribution towards recreational management in accordance with Natural England's RAMS strategy.
- 16.12 To the rear and west of the site are several mature trees that will require removal to accommodate the proposed development. These trees contain potential roost features that could be used by bat species foraging/dispersing in and through the wider surrounding habitats. Suitable bat roost assessments are required for all the relevant buildings and trees to be removed. There are numerous ponds within the adjacent woodland with one pond close to the site; a further survey regarding Great Crested Newts is therefore required.
- 16.13 There are a total of 6 individual trees, 2 tree groups and 1 woodland edge within the site. Trees are protected by a TPO whilst some trees are retained others are to be removed as part of the development. The Arboricultural Officer has considered the submitted tree reports and has raised no objection to their removal but advises a scheme of new planting should be secured by condition. These trees are a small part of a significant area of woodland of some 27 hectares which is secured as a public amenity.

Highway Safety and Parking Provisions (including Cycling)

- 16.14 Vehicular access is via the Rowhedge Wharf Road, pedestrian access to the site can be gained either via this road or a pedestrian link at the end of Rowhedge High Street. The parking provision satisfies the Councils adopted parking standard including provision for visitor parking. The houses all have private amenity areas where cycles can be stored. The Highway Authority has raised no objection to the application.

Drainage

- 16.15 The west part of the site lies within Flood Zone 1 and is at low risk of flooding from a fluvial/tidal source. The east part, however, lies in Flood Zones 2 and 3. It is proposed to raise site levels to a minimum of 5.40 mAOD in order to raise all of the site into Flood Zone 1. The Flood Risk Assessment indicates there is no loss of flood storage and that flood levels will not be affected; in addition, there is no increase in flood risk elsewhere. The site is considered to be at low risk from all sources of flooding provided that a suitable flood exceedance route is provided within the development.
- 16.16 The surface water drainage strategy shows how surface water run-off from the development could be controlled via the use of attenuation basins and a restricted discharge to the adjacent surface water sewer. The surface water discharge rate is designed to meet the 100% greenfield run-off rate in line with Essex SuDS Guidance. Surface water run-off will be treated to improve the quality of surface water run-off discharged from the site. Foul

water will be discharged to the existing foul water sewer located in Rowhedge Wharf Road.

- 16.17 Anglian Water and ECC as Lead Local Flood Authority have raised no objection subject to conditions.

Other Matters

- 16.18 A remediation strategy has been submitted the principle of which has been agreed by the Councils Contamination Officer and the Environment Agency.

17.0 Conclusion

- 17.1 To summarise, the application proposes residential development on a site allocated for such purposes. The development proposed is a high quality design solution that responds to the site constraints, and provides a form of development appropriate to the local context in terms of layout, density, building heights and architectural style. The site is opposite a SSSI and there are national and internationally designated sites close by however with appropriate mitigation and conditions there will be no adverse impacts on these sites in terms of landscape character or nature conservation.
- 17.2 The proposal represents a potentially attractive development on a sustainable site and planning permission is recommended

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 plus any amendments required to the existing section 106 agreement, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed and the existing agreement is not amended within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The legal agreement to secure;

- a contribution of £1,000 per dwelling towards the Rowhedge Trail
- Affordable housing - 1 x three bed house
- Open Space Sport & Recreation- a contribution of £23,200.31 for off-site sport and recreation
- Sustainable Transport/Highways – a £20,000 contribution for bus shelter upgrades.
- A RAMS contribution of £122.30 per dwelling.

19.0 Conditions

APPROVAL of planning permission subject to the following condition:

1. ZAA - Time Limit for Full Permissions

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

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

2. Non Standard Condition - Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

3. ZAM - *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 18.7831, 18.7831.126 -129,101rev B, 120 rev A, 121 Rev A, 122 Rev A.

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

4. Non Standard Condition - Site Levels Plan

No works, other than remediation works, shall take place, until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

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

5. ZBB - Materials As Stated in Application

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.

6. Non Standard Condition - 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.

7. ZGX - Contaminated Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

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

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

8. ZGY - Submission of Remediation Scheme

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

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

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

9. ZGZ - Implementation of Approved Remediation Scheme

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

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

10. ZGO - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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.

11. ZG3 - Validation certificate

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 8.

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.

12. Non Standard Condition - Surface Water Drainage

No works, other than remediation and enabling works, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Limiting discharge rates to 11.8l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus -40% climate change event.
- Provide evidence that demonstrates all storage features should half empty with 24 hours for critical storm event 1:100 plus 40% climate change, in order to meet LLFA half drain time requirement.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased

runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

13. Non Standard Condition - Minimise Risk of Offsite Flooding During Construction Works

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

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

14. Non Standard Condition - Maintenance Plan for Surface Water Drainage

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

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

15. Non Standard Condition - Remediation Strategy

Prior to each phase of development approved by this planning permission no development/No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

16. Non Standard Condition - Verification Report

Prior to any part of the permitted development/each phase of development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

17. Non Standard Condition - Monitoring and maintenance plan in respect of contamination

The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.

18. Non Standard Condition - Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

19. Non Standard Condition - Drainage Systems

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

20. Non Standard Condition - Agreement to any Piling methods

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

21. ZFB - *Full Landscape Proposals TBA*

No works above ground floor slab level 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; the curtilage treatment proposed needs to be revised, the proposed side enclosure treatment to boundary to plots/areas adjacent to the woodland needs to be revised to a native hedge and hedgerow trees set in front of a dark stain hit-&-miss 1.8m high fence and the retention or reinstatement of vegetation to the north boundary is required.

The landscape scheme shall include the above matters together with:

- 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.

22. Non Standard Condition - Landscape Management Plan

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

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

23. Non Standard Condition - 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.

24. Non Standard Condition - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

25. Non Standard Condition - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity

26. Non Standard Condition - Light Pollution

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note (EZ1 AONB; EZ2 rural, small village or dark urban areas; EZ3 small town centres or urban locations; EZ4 town/city centres with high levels of night-time activity).

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

27. Non Standard Condition - Vehicle Parking

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

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

28. Non Standard Condition - Travel Information and Marketing Scheme

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 within the appropriate zone 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.

29. Non Standard Condition - Wildlife Survey

No works including demolition or removal of trees shall take place until a survey to confirm or disprove the presence of bats and great crested newts on the application site has been submitted to and approved, in writing, by the Local Planning Authority. If bats and/or great crested newts are present the survey shall be accompanied by a scheme of appropriate mitigation measures including precise details of the timing and method of protection. No development shall be undertaken thereafter, except in accordance with the approved scheme of mitigation. No works shall take place until a scheme of habitat and biodiversity enhancement and mitigation, 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) and in order to safeguard protected wildlife species and their habitats where it is possible that they could be present.

30. Non Standard Condition - 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 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.

31. ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

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

32. ZPE - Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No deliveries

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.

33. Non Standard Condition - Communal storage areas

In the case of communal storage areas, a management company shall be made responsible for the maintenance of such areas. Such detail as shall have been installed shall be retained and maintained in good working order. The developer shall notify the local planning authority of the management company contact details as soon as these are known.

Reason: To ensure satisfactory provision is made for the management of communal storage areas.

34. Non Standard Condition - EV Charging points

No works shall take place above ground floor slab level of any dwelling on the development until a scheme for the provision of external electric points suitable for electric vehicle charging has been submitted to the Local Planning Authority for approval and approved in writing. The scheme shall include details of the type of charging point to be provided, their location, a timeframe for their implementation, the arrangements by which residents of the development can access and use the charging points and details of their on-going management and maintenance. The development shall be implemented in accordance with the approved details. The approved scheme shall be implemented prior to occupation of the dwellings

Reason To promote sustainable development and transport.

35. Non Standard Condition - Flood Evacuation Plan

Prior to any above ground development a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented prior to occupation of the dwellings.

Reason: To mitigate any risk during times of flood.

36. Non Standard Condition - Design

Notwithstanding details shown upon the approved drawings and prior to installation of the following elements of each dwelling: detailed drawings of all windows and external doors (including reveals, sill and lintel details), eaves, verges, gables, ridges, extract and flue terminals, rainwater goods, chimneys, including the chimneys to plots 89 and 90 and car ports, large scaled drawings of each element at a scale of 1:20 and 1:5 with full size sections of any mouldings together with details of proposed materials and finishes shall be submitted to and agreed in writing by the Local Planning Authority. The features shall thereafter be installed strictly in conformity with the approved details and so maintained thereafter.

Reason: The submitted application contains insufficient detail to ensure that these details are appropriate to the site context and would create a high-quality environment for future residents in accordance with adopted policies ENV1 and DP1.

37. ZDB - Removal of Permitted Development Rights extensions

Notwithstanding the provisions of Classes A, B, C and D of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions shall be erected 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 or cluttered appearance.

38. ZDE - Removal of Permitted Development Rights fences

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) 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 in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) 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.

39. Non Standard Condition - Amendments to fenestration

Notwithstanding details shown upon the approved drawings and prior to the erection of the side elevations of units 90,92,94,99 and 105 revised drawings showing amendments to the elevations to introduce additional fenestration shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved drawings.

Reason: To ensure that the detailed design of the units maximises opportunities for passive surveillance and visual interest in order to achieve a high standard of design in accordance with policies DP1, UR2 and ENV1 of the Adopted Colchester Development Plan.

19.0 Informatives

19.1 The following informatives are also recommended:

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. 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 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. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment

4. Non Standard Informative

Anglian Water Informative

"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of

the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence”.

5. Non Standard Informative

LEAD LOCAL FLOOD AUTHORITY INFORMATIVES:

1. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
2. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
3. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
4. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
5. The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.