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Item No: 7.2

Application: 170997

Applicant: Mr Bates

Agent: Mr C Wragg

Proposal: Outline planning application including details of access and layout for 36 residential dwellings, public open space, landscaping, new access and highways, associated and ancillary development on land at Hill Farm, Boxted Cross, Boxted.

Location: Hill House, Carters Hill, Boxted, Colchester, CO4 5RD

Ward: Rural North

Officer: Nadine Calder

Recommendation: Approval

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 for which objections have been received and the recommendation is for approval subject to a legal agreement.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the proposal, taking into account the land use allocation of the application site, the various impacts that would arise from the development and how these could be mitigated against.
- 2.2 With regard to the first of these issues it is noted that the application site is allocated for residential purposes in the adopted Boxted Neighbourhood Plan and therefore the principle of the development taking place is considered to be acceptable. Secondly, it is considered that the various impacts of, and on, the proposed development can be appropriately controlled by way of condition and the completion of a Section 106 agreement
- 2.3 The application is subsequently recommended for permission subject to a legal agreement.

3.0 Site Description and Context

- 3.1 The site is characterised by the footprints of former buildings associated with its commercial use and large areas of hardstanding. A mature tree belt is located along the southern boundary of the site, while the western boundary is clearly demarcated by established vegetation. Directly to the north of the site is the Grade II listed Hill House and associated outbuildings, while to the east of the site is St Peter's Primary School. There are arable fields to the west of the site and residential dwellings to the south and south east.

4.0 Description of the Proposal

- 4.1 The proposal is an outline application for 36 dwellings with all matters except the access reserved for subsequent approval. The applicant submitted a plan showing how the development might be accommodated, but the plan is for illustrative purposes only and there could be alternative layouts for the site. Nevertheless, it provides a useful guide for Members when considering the proposal.

5.0 Land Use Allocation

- 5.1 The site was formerly allocated for employment uses and was re-allocated for residential use in the Boxted Neighbourhood Plan. The Neighbourhood Plan now places the site within the Boxted Cross settlement boundary in Boxted village. This plan was adopted by Colchester Borough Council on 8 December 2016. It therefore now forms part of the statutory Development Plan for Colchester along with relevant policies in the adopted Local Plan.

6.0 Relevant Planning History

- 6.1 The application site was granted planning permission for the erection of new industrial and office buildings within Use Classes B1, B2 and B8 (reference 131174). Outline planning permission for the development of the site for

residential purposes was sought in 2013 (reference 131528) and 2014 (reference 144589). These applications sought permission for 45 and 43 dwellings respectively. Both applications were refused, with the 2013 application also being dismissed at appeal.

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
- CE1 - Centres and Employment Classification and Hierarchy
- 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
- ENV2 - Rural Communities
- 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
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP9 Employment Uses in the Countryside
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals

DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

- 7.4 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:
n/a
- 7.5 The Neighbourhood Plan for Boxted is also relevant. This forms part of the Development Plan in this area of the Borough.
- 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
Affordable Housing
Open Space, Sport and Recreation
Sustainable Construction
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Planning Out Crime
Air Quality Management Guidance Note, Areas & Order

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 The Archaeological Officer does not object to the proposed development subject to a condition.
- 8.3 The Contaminated Land Officer considers the submitted report to be acceptable and notes that remedial works are considered necessary in order to make the site suitable for the proposed use, including gas vapour protection measures. On this basis, no objection is raised subject to conditions.
- 8.4 Environmental Protection does not object to the proposal subject to conditions.
- 8.5 The Historic Buildings and Areas Officer does not object to the proposal but highlights the importance of appropriate materials being used on dwellings closest to the listed building to ensure that its setting is not harmed.
- 8.6 The Landscape Officer does not object to the principle of the proposal but suggests that the orientation of dwellings along the western boundary of the site be changed to protect the long term viability of this (reinforced) hedge as a principal landscape feature.
- 8.7 Private Sector Housing has no comments to make on the application.

- 8.8 The Tree Officer is satisfied with the submitted Arboricultural Impact Assessment and does not object to the proposal.
- 8.9 The Urban Design Officer does not object to the proposal in its outline form but has concerns with regards to the details of the design which he considers to be too suburban.
- 8.10 Anglian Water has no objection to the proposed development.
- 8.11 The Environment Agency objects to the proposal due to a lack of capacity at Langham water recycling plant.
- 8.12 The Highway Authority does not object to the proposed development subject to conditions.
- 8.13 Natural England has no comments to make on the application.

9.0 Parish Council Response

- 9.1 No response was received from Boxted Parish Council at the time of writing this report.
- 9.2 Langham Parish Council stated that they have grave concerns regarding the application, primarily in terms of capacity at Langham WRC. This proposed development would probably be linked to Langham sewage works.

There have been extensive discussions, initiated by Langham Parish Council between ourselves, the Environment Agency and Anglian Water over the last few months in the context of CBC draft local plan.

Notwithstanding whatever assurances may have been given to potential developers for the Boxted proposal by Anglian Water we perceive the view of the Environment Agency to be that there is presently NO capacity at the WRC to cater for ANY additional dwellings. This is despite Anglian Water carrying out investigations in Langham during the past 12 months including some sewer re-lining and a pump repair which is supposed to improve the flow rate.

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 Twelve letters of objection were received. The main reasons for objecting are summarised as follows:
- No change since the recent appeal decision for housing on this site;
 - Proposal is unsustainable;
 - Impact on character and appearance of surrounding area;
 - Urbanisation of village location;
 - Significant expansion of existing village;

- The proposed development is more dense than the existing village;
- Boxted Cross is in danger of losing its rural character;
- No infrastructure in the village to support development;
- Existing local services are under strain;
- Traffic generation and highway safety;
- Infrequent bus services/lack of public transport;
- Unrealistic travel plan;
- Existing traffic issues in relation to primary school;
- Junction at Carter's Hill, Straight Road and Dedham Road is hazardous;
- Langham waste water is over capacity; and
- Light industrial units would be more beneficial as this would provide employment to people in the village and beyond.

11.0 Parking Provision

11.1 The proposed development complies with the minimum requirement for parking spaces for each of the 36 dwellings. Additionally, a total of 10 visitor parking spaces are provided across the site. This exceeds the minimum requirement by one space. As such, the overall parking provision meets the Council's adopted parking standards.

12.0 Open Space Provisions

12.1 The proposal includes a village green in the south western corner of the application site. This extends to an area of 0.39 hectares which exceeds the 10% policy requirement.

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 Planning Obligations

14.1 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:

- Affordable Housing – 20% which equals 3 x 1 bedroom dwellings, 2 x 2 bedroom dwellings, 1 x 3 bedroom dwelling and 1 x 4 bedroom shared ownership dwelling;
- A mechanism for allocating the required number and mix of affordable housing units to local residents in Boxted as a priority; and
- Open Space and Community Facilities - contribution of £175,000 for Open Space and £51,000 for Community Facilities, for a joint project at the community hub to provide a new pavilion and parking.

15.0 Report

15.1 Principle of Development: The application site is allocated for residential purposes, therefore the proposal is acceptable in principle.

15.2 Officers are aware of the planning history of this site, including the 2014 Public Inquiry Appeal Decision (reference A1530/A/14/2216873), however, it should be

noted that since this decision, the Boxted Neighbourhood Plan has been prepared and adopted and as part of this, Hill Farm was identified as a suitable site for housing. This is a material consideration which needs to be given considerable weight. The residential redevelopment of this site is therefore considered to be acceptable and to represent sustainable development.

- 15.3 Policy HF1 is the key Neighbourhood Plan policy relevant to this application. The submitted indicative layout plan proposes the delivery for 36 dwellings at Hill Farm, which includes 7 affordable units, comprising 3 x 1 bedroom dwellings, 2 x 2 bedroom dwellings, 1 x 3 bedroom dwelling and 1 x 4 bedroom shared ownership dwelling.
- 15.4 Policy HF1 did not define the number of houses to be delivered at Hill Farm, however, the delivery of 36 dwellings is considered appropriate for this rural location. This equates to a density of approximately 18 dwellings/hectare which is low and in keeping with the surrounding built character in this part of Boxted. The final density will be slightly higher than this as not all of the 1.86ha site is developable.
- 15.5 Boxted Cross is considered a sustainable location for limited development. The proposal accords with Core Strategy Policy ENV2 as it will improve the wider sustainability of Boxted Cross. The proposed housing scheme will bring a former derelict employment site back into a more viable use. The site was subject to an appeal in 2014 and it was concluded that Hill Farm was no longer viable as an employment site. Consequently, retaining the site for such a use would be contrary to paragraph 22 of the NPPF.
- 15.5 Design, Layout and Amenity Provision: The outline nature of the development proposal means that the detailed design of the development is not proposed at this stage and therefore the overall impact of the development cannot be judged.
- 15.6 The application documentation states that the proposal would accommodate a mix of one bedroom, two bedroom, three bedroom and four bedroom dwellings. Development Policy DP16 states that dwellings containing one or two bedrooms should accommodate a minimum of 50sqm of private amenity space, dwellings with three bedrooms a minimum of 60sqm with dwellings containing four or more bedrooms accommodating 100sqm of private amenity space. In terms of flats, the policy states that communal residents' gardens can be provided on the basis of a minimum area of 25sqm per flat.
- 15.7 Layout is not a matter for consideration as part of the current application. An indicative block plan, however, has been provided as part of the application which shows that private amenity space varies between the plots with a minimum provision of 91sqm (for a two-bedroom house) and a maximum provision of 242sqm (for a four-bedroom house), thereby suggesting that each unit would have more than adequate private amenity space allocated to it.
- 15.8 Overall, it is felt that the layout as shown on the submitted plans would be compatible with other residential developments in the area. Notwithstanding this, the detailed design of the development would be adequately addressed during the reserved matters submission stage.

- 15.9 Impact on the Surrounding Area: Due to the outline status of the application, the full extent of the visual impact of the development cannot be fully addressed as the layout, appearance, scale and landscaping would be subject to the reserved matters. Nevertheless, the information provided together with this application assists with this material consideration.
- 15.10 The existing hedges to the western and southern boundaries form the principal landscape feature on site, contributing to local landscape character and acting as an important screening element to Boxted Straight Road to the south and PROW 125_5 to the west. These features should be identified as a continuous hedgeline from the pedestrian crossing point on Boxted Road, down to the southern corner of the site and then up to the western corner of the site. Both hedges need to be retained and proposed to be gapped up and re-inforced with native hedge planting. Both lengths of this hedge should look to set development back from these hedges behind a protective deep verge.
- 15.11 The tree screen belt along the southern boundary forms a secondary landscape feature on site which, according to the indicative site layout plan, is proposed to be retained and re-inforced. This would appear satisfactory with further details of the proposed landscaping to be subject to the reserved matters application.
- 15.12 The indicative site layout shows that the proposed properties are set back from the highway to provide a new green/public open space in the south eastern corner and along the majority of the eastern boundary of the site. This follows existing built development within Boxted Cross where many properties benefit from deep landscaped frontages and generous rear gardens. The proposed development would therefore be in keeping with the surrounding area.
- 15.13 On the basis of the above, it is considered that the proposed development is appropriate in this location and it is felt that its impact on the surrounding area is acceptable. That said, much of the impact will be derived from the detailed design of the proposed buildings, an issue which will be addressed at the reserved matters stage.
- 15.14 Impact on Residential Amenity: The potential impacts on neighbouring properties will be considered at the reserved matters stage, however, having regard to the indicative site layout, it is considered unlikely that there will be issues of overlooking or overshadowing.
- 15.15 Affordable Housing: The proposed number of affordable dwellings accords with Core Strategy Policy H4 which requires residential development proposals to provide 20% affordable units and it will also deliver the housing need identified in the 2013 Boxted Rural Housing Need Survey as well as the need for the wider Borough.
- 15.16 Policy HF1 of the Neighbourhood Plan states that a mechanism for allocating the affordable housing units to local residents in Boxted as a priority should be agreed. This will be secured via legal agreement.

15.17 Impact on nearby Listed Building: Hill House, which is located immediately north of the site, is a Grade II listed building. As the proposed scheme will improve a derelict site, it is considered that this will enhance the setting of Hill House.

15.18 The area of concern in the change to the general character of the area. Currently, the area surrounding the building is undeveloped, however, previously it was occupied by light industrial (including former agricultural) buildings which had a detrimental impact on the setting of Hill House. The proposed house types will have to be subject to high quality materials, especially the correct brick and mortar mix which will have a neutral impact on the setting of the listed building. If the materials are of an inferior quality, the development could look inexpensive and harm the setting of the listed building. It is important that the distinctiveness of Hill House is not compromised by being sited adjacent to poorly detailed buildings. Any new development must therefore take consideration of the materials outlined in the adopted SPD "External Materials Guide for New Development". New development can suffer from inadequate details and the quality of the material finishes must be taken into account as should, for example, the depth of window reveals, and the construction materials of the windows which should be timber or metals but not Upvc. Upvc windows would have a detrimental impact on the setting of the listed building. It is important that the brick and the pointing must be correct for the buildings not to harm the setting. The bricks should be clay stock bricks with lime/white cement pointing with some aggregate. These are matters that need to be addressed at reserved matters stage.

15.19 Access and Highway Matters: Access is the only matter for which permission is sought at this stage of the application. There are two existing vehicle access points along the eastern boundary of the site. The main access into the site will utilise one of the existing access points with the entrance to plots 1 and 2 being moved further south than the existing entrance to increase visibility splays to the north of Carters Hill. The applicant has submitted a Transport Assessment that demonstrates in terms of safety and capacity that the impact of the proposed development will be minimal. Therefore, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network. Consequently, subject to conditions, this would not result in demonstrable harm to highway safety or the free flow of traffic, in accordance with policy T2 and the NPPF.

15.20 A Travel Plan has been prepared to manage and resolve traffic impacts arising from the development in Boxted including impacts during school drop off and pick up times. The preparation of the Travel Plan is a requirement of Policy HF1 in the Boxted Neighbourhood Plan and also Development Management Policy DP17. This policy also promotes the preparation of Residential Travel Packs. This Travel Plan seems satisfactory and all proposals included in the Travel Plan including the need for Residential Travel Packs should be conditioned if planning permission is granted.

15.21 Archaeology: The Archaeological Advisor confirmed that an adequate pre-determination archaeological evaluation was carried out in December 2016 and

the results of this work have been submitted with the application. Based on the results of the evaluation, two areas of the site were identified for archaeological mitigation in the form of excavation. The fieldwork relating to this work has been adequately completed (in accordance with a Written Scheme of Investigation) but analysis and reporting of the results has not yet been completed. The proposal, therefore, complies with the objectives of Development Management Policy DP14 and policy HF1 in the Neighbourhood Plan.

15.22 Ecology: A Preliminary Ecological Assessment (PEA) has been provided as part of the outline planning application which is welcomed. This identifies potential impacts on foraging bats and nesting birds but not on any other Protected Species/Species or habitats of Principal Importance. The mitigations proposed in the PEA to protect the species at risk should be conditioned if planning permission is granted to ensure compliance with Development Policy DP21 (Nature Conservation). Given the presence of bats on site, consideration should be given to the use of sensitive lighting in the final site designs.

15.23 Flood Risk: The site falls within Flood Zone 1, therefore residential development on this site is an acceptable use. A Drainage Strategy has been prepared which promotes the use of SuDS. Surface water will be managed using several Sustainable Drainage measures including bio retention and infiltration provided by the construction of a swale and permeable paving on site. The use of such SuDS treatments will ensure that surface water is managed at source reducing the risk from surface water flooding both on and off site therefore the scheme appears to accord with national policy and guidance on flood risk in the NPPF/PPG and Development Management Policy DP20.

15.24 The Environment Agency has pointed out that, with regard to drainage options for the site, infiltration techniques generally pose the highest risk of polluting the groundwater. Therefore, they request that infiltration should be restricted to shallow techniques only by reason of pollution prevention and control.

15.25 Foul Water Disposal: The proposed development intends to dispose of foul water to the main sewer. The Environment Agency confirmed that the receiving water recycling plant (WRP) at Lanham is over capacity. The Council commissioned a Water Cycle Study (WCS) as part of the evidence base for the new Local Plan. The WCS requires solutions to be identified to address the capacity shortfalls prior to any development commencing that is served by the Langham WRP. The improvements are needed to also ensure compliance with the Habitats Regulations 2010.

15.26 This has an impact on the proposed development, however, it does not render it unacceptable. It simply means that no development can proceed until adequate waste water and sewage treatment capacity is available to serve the new housing. This can be secured via condition.

16.0 Conclusion

16.1 The application site is allocated for residential purposes, this is not an historic allocation, but a recent reallocation from employment use to residential as identified within the Boxted Neighbourhood Plan. This allocation means

residential development is acceptable. The application is an outline proposal and so issues such as detailed layout, appearance, design and landscaping of the development can be determined at the reserved matters stage. However, the application seeks full planning permission at this stage for the means of access to the site. This has not given rise to an objection from the Highway Authority and the application is therefore recommended for approval.

17.0 Recommendation to the Committee

17.1 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, within 6 months of 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 Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

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

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Time Limit for Outline Permissions Part 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. Development in Accordance with Arboricultural Impact Assessment

The reserved matters submission(s) to be made in relation to the outline planning permission hereby granted shall be made in full compliance with the details of the hereby approved Arboricultural Impact Assessment (Ref 53497 2017-06-23 AIA).

Reason: To ensure proper attention is given to the impact of the proposed development on existing trees.

5. Development in Accordance with Travel Plan

The development hereby permitted shall comply with the recommendations set out in the submitted Residential Travel Plan.

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

6. Approval of Access

With regard to the aspects of the planning application for which full planning permission is sought at this stage, namely the ACCESS, the development shall be carried out in full accordance with the details shown on submitted drawing number 13/30/11 Rev A

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

7. Contaminated Land (Submission of Remediation Scheme)

In accordance with the details in the ground investigation report: Sue Slaven 'Hill Farm, Boxted Cross, Report on Ground Investigation', ref. P0020/R01 Issue 1, dated 26/01/17; 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.

8. Contaminated Land (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.

9. Reporting of Unexpected Contamination

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

Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

10. Validation Certificate

Prior to the first OCCUPATION 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 7.

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. Construction Method Statement

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

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

12. Surface Water Drainage into Highways

No works shall take place until details showing the means to prevent the discharge of surface water from the development onto the highway have been submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times thereafter.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

13. Upgrades to Water Recycling Plant

Prior to the commencement of development hereby approved, enhancements shall be provided to the waste water and sewage infrastructure in the catchment to the satisfaction of the Environment Agency and the Local Planning Authority.

Reason: In order to prevent pollution of the water environment and to protect the groundwater quality in the area in the interests of Health and Safety as there is insufficient capacity in Langham water recycling plant.

14. 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: not at all

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.

15. Archaeology

The development shall not be occupied or brought into use until the post investigation assessment, analysis, publication and dissemination of results and archive deposition has been completed.

Reason: 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).

16. 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.

17. Sustainable Transport

Prior to the first occupation of the development, the developer shall be responsible for the provision of Travel Information Packs to each dwelling; the details shall have been previously submitted to and approved, in writing, by the Local Planning Authority.

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

18.0 Informatives

18.1 The following informatives are also recommended:

1. Advisory Note on Construction & Demolition

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

2. Informative on Conditions Stating Prior to Commencement/Occupation

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

3. 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. Informative on Section 106 Agreements

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

5. Informative on Works affecting Highway Land

PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at development.management@essexhighways.org or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.

19.0 Positivity Statement

19.1 Application Approved Following Revisions

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