



Application No: 150492

Location: Cannock Mill, Old Heath Road, Colchester, Essex, CO2 8AA

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **16 July 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson

MAJOR

Site: Cannock Mill, Old Heath Road, Colchester, Essex, CO2 8AA

Application No: 150492

Date Received: 12 March 2015

Agent: Anne Thorne Architects LLP

Applicant: London Countryside Co Housing Group

Development: Cohousing residential development of 23 no. 1,2 and 3 bedroom homes and a listed building as a cohousing common house with associated outdoor and parking spaces.

Ward: Old Heath

Summary of Recommendation: Conditional 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 and objections have been received. A legal agreement is also required.

2.0 Synopsis

- 2.1 The key issues explored below are:

This full planning application submitted by the LoCo Cohousing Group proposes a community of 17 houses and 6 flats, sharing the facilities and amenities of the renovated Mill building and the 200m2 of communal gardens. The Groups project vision is "to be a cutting edge example of sustainable design and living". The development involves the erection of 23 no 1, 2 and 3 bedroom homes. Objections

have been received and the report explains and comments on the issues raised. Viability is also referred to and the parking provision explained. The recommendation is one of approval (subject to agreement on viability) and subject to a legal agreement being signed and appropriate conditions.

3.0 Site Description and Context

- 3.1 The site has an area of area is 0.9 hectare with a frontage of approx. 30 metres to Old Heath Road; widening to over 60 metres with a depth of approx. 120 metres. The area is predominantly residential in character and comprises 2 storey semi-detached and linked terraced houses. These are principally inter war, with some Edwardian properties on the opposite side of the road and adjacent to the site. There is both private and former public housing along the south boundary in Barn Hall Road.
- 3.2 There are commercial properties scattered along Old Heath Road but concentrated at the junction with Cavendish Avenue, some 400 metres from the site; where there is a Co-op store and post office; and the junction with Wimpole Road, some 650 metres from the site, where there are doctor's and dentist's surgeries.
- 3.3 Old Heath Road is a classified, secondary distributor road and is a major route into Colchester from the South East. The site is some 1.5 kilometres from the town station and town centre. Old Heath Road is on a bus route with regular services to and from the town centre.
- 3.4 The site is at the bottom of Bourne Valley. The land rises from front to back and side to side. Whilst this provides an opportunity for innovative design it also means the site section and level details are important to enable a proper assessment of the impact of the development. Whilst the site contains established trees plus smaller trees and hedges these are not protected by a preservation order.
- 3.5 Opposite the site is Distillery Pond a conservation area, local wildlife site, open space and green link. To the rear and on the north side is the open space of Bourne Valley also a local wildlife site and green link through which runs Bourne Brook leading to Bourne Pond. The Bourne Valley path runs through the open space and continues along part of the sites north boundary to Old Heath Road. It is possible to then walk along Distillery Lane, past Distillery Pond to Haven Road; although this is not a PROW. These landscaped areas of open space, water and nature conservation have good visual links to the site which also contains a number of mature trees and hedgerows and part of the overgrown pond located to the rear of Cannock Mill.
- 3.6 The site contains Cannock Mill, and a range of outbuildings, car ports and other small domestic structures. The outbuildings are of a mix of blockwork, timber and rendered elevations with mainly fibre cement roofs.

- 3.7 Cannock Mill is a grade 2 listed building described as: "Picturesque weather-boarded building, rebuilt in 1835, 3 storeys and hoistloft, the roofs of slates. Old tiled outbuilding on the east." A childrens day nursery occupies outbuildings on the road frontage formerly associated with the Mill and Cannock Mill House sitting on the slope to the south of the Mill completes the group. Cannock Mill House is included in the recently approved list of buildings of local importance. It is an attractively detailed traditionally composed brick dwelling with a slate roof. It has a raised position on the site due to the contours of the ground and is set in open grounds. Members should note Cannock Mill House, whilst in the applicants ownership does not part of this application.
- 3.8 The application documents include a Design and Access Statement, Heritage Statement, Tree Survey and Arboricultural Impact Assessment, Contaminated Land Assessment, Ecological Assessment, Archaeological Desk-Based Assessment and Landscape Proposals, Flood Risk Assessment, Structural Engineers Report (Mill building), Asbestos Refurbishment/ Demolition Survey (Mill building), Travel Plan, Sustainable Design and Construction Report and Statement of Community Involvement.

4.0 Description of the Proposal

- 4.1 The submitted information indicates "LoCo Cohousing is a not-for-profit organisation which wishes to transform the Cannock Mill site into a community of 17 houses and 6 flats, sharing the facilities and amenities of the renovated Mill building and the 200m2 of community gardens. The current members of LoCo are 16 men and women, all over 50, who are committed to good design, environmental sustainability and community involvement. We hope to attract like-minded people from the Colchester area to make up the full size of the group – between 30 and 45 people. The project vision is "to be a cutting edge example of sustainable design and living". Two essential features of this vision are the low energy design of the housing units (to Passivhaus standards) and our environmentally aware travel arrangements".
- 4.2 The information indicates the scheme is not a traditional development it is a Co-housing Self Build scheme which focusses on the Common House based in the mill. Each household is independent but the Mill will provide space for activities, such as crafts, library, and the provision by the community of meals 3 times a week. It will be designed managed and maintained by the Co-housing group.
- 4.3 This full application proposes 23 units comprising 10 3-bed and 7 2-bed houses and 4 1-bed and 2 2-bed flats.
- 4.4 The development proposes a terrace of 17 houses following site contours and comprising a mix of 2 and 3 storeys units. The rear elevation of these units is set back 1.8m to create a balcony at either first or second floor level. Materials comprise a self-coloured lime render finish in a range of "natural mineral shades" and porches of locally sourced chestnut with metal roofs. They have a stepped garden to the rear with a communal garden beyond including vegetable gardens. This terrace is orientated north-south to maximise passive solar gains and minimise heat loss.

- 4.5 The flats are proposed in an “L” plan range generally in the area of existing outbuildings which are to be demolished. The building also contains 3 garages, cycle parking and the main communal refuse/recycling area. This building is linked to the listed mill by a new lift faced in corrugated metal cladding. It is two storeys in height with the return wing set at a higher level as the site rises from the road. The design of the flats is described as a modern interpretation of the adjacent barns and is clad with untreated chestnut boarding beneath a pitched corrugated metal roof. There are areas of raised decking overlooking the pond.
- 4.6 The listed Mill building will be converted to a common house. The most significant external work is the lift. Other works are internal alterations mainly on ground floor inserting partitions to create guest bedrooms. The open plan spaces on first and second floors are retained and will be used to provide dining/kitchen and lounge areas respectively.
- 4.7 The existing access from Old Heath Road will be slightly modified and a single ‘street’ will serve the development.
- 4.8 Trees within the site include a mixture of Silver Birch, Cherry and Walnut. There are Lime trees along the southern boundary and Sycamore trees to the northern edge adjacent to the Bourne Valley path along with some Willow in the area of the old mill pond.

5.0 Land Use Allocation

- 5.1 The site is allocated as predominantly residential.
- 5.2 The frontage of the site was originally allocated as residential and part of the rear garden shown as private open space however through the Local Development Framework and Core Strategy examination process the site allocation has been revised.

6.0 Relevant Planning History

- 6.1 111672: Outline planning permission granted for 23 dwellings. This application proposed a single access for the day nursery and residential development. It agreed the principle of a contemporary design for the dwellings within the site whilst requiring buildings of traditional themes adjacent to the mill.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government’s planning policies that are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

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

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

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP12 Dwelling Standards
- 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
- DP25 Renewable Energy

7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

- Backland and Infill
- Community Facilities
- Vehicle Parking Standards
- Sustainable Construction
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing

8.0 Consultations

8.1 Archaeological Advisor

The site of this development is an area of archaeological interest, and high potential, recorded in the Colchester Urban Archaeological Database. The current Cannock Mill dates to the mid 19th century and is a Grade II Listed Building (ref. 1337742). However, documentary sources record a mill on the site in the early 14th century, belonging to St Botolph's Priory (UAD ref. MON1050). Cannock Mill was one of three on the Bourne Stream, along with Bourne Mill to the west and Hull Mill to the east. The mill pond, although silted, survives as an historic landscape feature, along with the Bourne Stream. It is known from historical sources that the mill was rebuilt in 1600, with both corn and fulling mills in 1632. There is high potential for encountering surviving archaeological remains but no archaeological investigation has been undertaken to establish what, if anything survives of the earlier recorded mills. There is also high potential from encountering earlier, undocumented mills at this location. In addition to the mills, there is also some potential for encountering other archaeological remains in this landscape setting, which is topographically favourable for early occupation of all periods. An Iron Age vessel is recorded from an adjacent site, suggesting there is potential for remains to extend into the current site (UAD ref. ELM 878). There is also high potential for encountering palaeo-environmental and geo-archaeological remains at this location (i.e. waterlogged deposits).

An Archaeological Desk-Based Assessment has been carried and as a result conditions are recommended: ZNL

8.2 Environmental Protection raises no objection subject to conditions

8.3 Contaminated Land Officer "I note that the reports have submitted in support of this application. These are satisfactory for Environmental Protection purposes and I would comment as follows:

1. The Asbestos Survey has identified some asbestos-containing material which has been recommended for removal, prior to demolition/refurbishment and in accordance with obligations under the Control of Asbestos Regulations 2012: Environmental Protection will expect these recommendations to be followed.
2. It is noted that some contamination (lead and PAHs) has been found in excess of the chosen generic assessment criteria at certain locations (please note that the approach to lead contamination risks has been revised and that the C4SL has approximately halved the screening value for lead) and that this may be attributable to the presence of ash. These exceedances are said to be in the vicinity of public open space and it is proposed that this could be addressed by way of a 300mm clean capping layer, or by removal of hotspots.
Please be advised that Environmental Protection would expect to see the minimum of 450mm of clean soils in landscaped areas. However, a greater depth would be expected for areas where crops are grown (600mm), or where tree pits are required (1m). Please also note that since sample locations have been chosen by both targeted and non-targeted criteria, statistical analysis may not be relevant.
3. Where contamination is to remain, additional testing, risk assessment and validation is proposed (leachate risks to controlled waters, bioavailability).

4. With regard to ground gas risks, a total of four ground gas monitoring visits have been made, including at low atmospheric pressure. A maximum flow rate of 7.1 l/hr has been recorded and a gas screening value calculated, indicating a Characteristic Situation 2, requiring basic gas protection measures. However, since the maximum flow rate is 0.1 l/hr above the CS2 classification, it has been suggested that additional monitoring could be undertaken to provide greater certainty of the results and classification.
5. Whilst not strictly within my remit to comment on, I note the self-build element of this application: any necessary remedial actions will therefore need to be designed in a manner which will allow remediation and verification to be carried out satisfactorily.

Environmental Protection would therefore like to see further clarification on the matters raised, above. However, based on the information provided, it would appear that the site could be made suitable for the proposed use, with the additional information provided by way of condition.

Consequently, should permission be approved for this development, Environmental Protection would recommend inclusion of conditions.

8.4 **Landscape Officer** is satisfied with the landscape content/aspect of the proposal subject to conditions.

8.5 **Arboricultural Officer** Generally I am in agreement with the scheme but we will need site specific arboricultural method statements for the bespoke works such as lifting the hardstanding and demolition of buildings in RPAs; fencing installations etc.

Officer comment: this information has been submitted.

8.6 **Environment Agency** We have reviewed the information submitted and have no objection, but request the conditions below are appended to any permission granted. Please see our detailed comments below.

Land Contamination

The site is underlain by a Secondary A aquifer (sands and gravels), nearby groundwater abstraction and is also in an EU Water Framework Directive Drinking Water Protected Area. Bourne Brook runs along the northern boundary of the site. It is thought highly likely that any groundwater identified in the permeable soils associated with the Secondary A aquifer are in direct hydraulic continuity with the watercourse, so should be considered as environmentally sensitive.

The Geo-environmental and Geotechnical Ground Investigation, produced by Jomas, referenced P8562J351 and dated November 2014, states that no specific Controlled Waters risk assessment has been carried out for the site. The recommended works recommend either a capping layer or removal of contaminated material. We agree with the recommendation for leachate testing but also add that groundwater sampling would be beneficial to the risk assessment. Parts of the site are likely to be in hydraulic continuity with the adjacent watercourse. Follow up works should include a detailed risk assessment of the potential risk to Controlled Waters from contamination at the site.

The Flood Risk Assessment (FRA), produced by Ellis & Moorse, Consulting Engineers, recommends that infiltration features are not appropriate and do not form part of the proposed surface water drainage scheme. If this is the case we require no further comment. If infiltration devices are considered, we will require re-consultation. We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without

this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

8.7 **Anglian Water**

ASSETS

Section 1 – Assets Affected

1.1 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 SERVICES

Section 2 – Wastewater Treatment

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

Section 3 – Foul Sewerage Network

3.1 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.

Section 4 – Surface Water Disposal

4.1 The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency. We request that the agreed strategy is conditioned in the planning approval.

Section 5 – Trade Effluent

5.1 Not applicable.

8.8 **Highway Authority**

The following comments have been provided following receipt of an amended Travel Plan.

NOTE: Appropriate vehicle visibility splays are available in the highway.

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to conditions

8.9 **ECC Flood & Water Management**

Thank you for your re-consultation which provides this Council with a revised Flood Risk Assessment and Micro-Drainage results for the proposed surface water drainage strategy for the above mentioned planning application.

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

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the revised FRA and Drainage Strategy and the associated documents which accompanied the planning application, we now consider that planning permission can be granted subject to conditions

We also have the following advisory comments:

The proposed development falls within the Critical Drainage Area (CAD2) as outlined in Colchester Surface Water Management Plan. Preferred Options have been outlined in the SWMP and partnership funding is currently being sought for this catchment. As such, we would encourage that a financial contribution be made, secured by the Local Planning Authority via Section 106 agreement. The development falls at the bottom of CDA2 therefore will benefit from work carried out in the upper catchment to reduce flood risk. The contribution will go towards mitigating the impact of flood risk within the CDA, benefiting the development and surrounding community and this will be achieved through potential improvements to the drainage infrastructure which would be advantageous to the new development. There is therefore an opportunity for long term benefits and increased sustainability to the development whilst contributing to reducing off-site flood risk to the surrounding area.

For any works that are deemed to affect the flow in ordinary watercourses, we advise that you seek advice and permission with the LLFA.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

8.10 **Historic Buildings and Areas officer**

The works to the listed building are relatively limited. The most intrusive works will be the works to insulate the building. These are to be done from the inside and will use mostly breathable materials. There should be no external visual impact as a result of the insulation. Windows and some doors will receive secondary glazing and other doors will be altered to open outwards so they can remain in place and be used as shutters, with glazing installed behind.

At ground floor level new partitions would be inserted and a new window to the rear. The partitions constitute less overall subdivision than would have been envisaged with a conversion to residential and are acceptable. Other than these works the other works to the building on other floors are reasonably minor. A window would be converted into a door to access the proposed decking area to the rear of the building. The opening into the kitchen at first floor level would be widened and a new hatch, of reasonably minimal dimensions would also be inserted. A modern window in the gable would be replaced. The most obvious alteration will be the new lift tower to the southern end of the mill, the entrance hall, and the new flats adjacent. The lift tower is proposed to be external, which will minimise the impact on historic fabric. New openings would be required to access the lift at first and second floor levels and from the guest accommodation at ground floor level into the hall. Internally the modern staircase would be replaced.

In comparison to the extent of works that would have been envisaged for a conversion to the conventional dwelling, this scheme is less intrusive and likely to result in a building that retains a reasonably tangible degree of its historic character. The first and second floors would remain almost entirely unsubdivided. Efforts have been made to minimise the number of new openings and to reduce the impact of alterations to openings, and given that conversion has been accepted in principle it is considered that little more could have been done in this respect.

The insulation works will be breathable and thus should limit any harm to historic fabric. It would be appropriate for an assessment to be made to ensure that there is no risk of interstitial condensation between the insulation and the external walls. I am somewhat confused by one note on the insulation drawings, which states a weatherproof membrane. Is this a breathable membrane such as Tyvek? This would be acceptable but a vapour barrier would cause concern. Recent research has shown that, combined with breathable materials, omission of a vapour barrier is preferable as this assists with regulation of relative humidity levels in historic buildings, reducing the risk of dampness and possible long-term problems with rot. Can this detail be clarified please?

I also have some concern with the details of how moisture would be excluded from the ground floor rooms which are partly underground. I note that a waterproof render is specified, but in the context of a traditional building that tends to move with the seasons I doubt that the longevity of this would be adequate. An alternative might be to investigate a system such as NewLath where moisture is allowed through the wall but is separated from the living areas by a material based on the egg-box profile allowing moisture to drain down safely without affecting the dry living area. This might need to be combined with a system that would allow the water to drain away, but it seems that this system, which works with the building rather than against it, tends to work better in the long-term.

There is no objection to the other proposals, which will not harm the special character of the listed building. Replacement of the staircases is not controversial although additional details showing the design of the replacement staircase are needed.

The adjacent flats, entrance hall and lift tower will have the most immediate impact on the setting of the listed building and as such need consideration within this application. The designs of these are all acceptable and no objection is raised to them. However the workmanship, detailing and materials of each will need to be carefully considered and controlled to ensure their quality is appropriate for the setting of the listed building. Further details of the proposed materials and detailing are necessary, particularly to understand the intended finish of the timber cladding and the corrugated metal roofing and cladding. Samples of these finished as intended should be required. Similarly the detailing of the joinery including windows, doors, eaves, verges, cills etc. are needed. There is some concern that the details and materials used adjacent to the building should have a low key appearance that is recessive in character so that the mill building remains the focal point. Therefore a soft colour and finish to the render and cladding materials is necessary to assist the new structures to sit comfortably in this historic context.

Some further detail is required to clarify the exact insulation details. Further consideration of the damp-proofing at ground floor level is also necessary to ensure that the system selected will have sufficient longevity that further works will not be necessary once the building has been converted. Apart from this the application will be acceptable with conditions.

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

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 3 representations in support and 2 objections have been received.

10.2 Support

So much thought, care and consideration has gone into these plans. Excellent layout and so much thought put into the details. It will be an asset to Old Heath and look forward to its completion

10.3 Objection

Butterfly Barns Day Nursery.

- We are directly adjacent to the development and can be clearly seen on the edge of the plans. We will inevitably be affected by the development due to our common location and access to the site. My primary reason for writing is to protect the children in our care and to ensure the best outcome for them.
- While we have no objection to development of housing on the site, we are unhappy with regard to the access arrangements. These objections are listed below for your convenience and relate directly to the Design and Access statement document, page 8.4 of 4.
- Shared widened access: The nursery currently uses the main access to Old Heath Road and has done so for many years. The nursery is by far the biggest user, where the traffic situation is just manageable at the moment during peak times of pick up and drop off. Currently there is no other appreciable traffic on the site as the Mill is unused even when it was used it would involve a few cars per day as a maximum. The development would increase the use of the shared access - we feel the increase in cars could quite easily equal the nursery traffic - a doubling of traffic flow over a day. Even with a wider access, this would be an increased danger in terms of traffic flow to all concerned, children, parents and staff who use the combined access.
- In addition, the widened access is misleading as not all of this land has access rights and the development traffic would not have use of the full frontage. As such, this would fail to meet traffic requirements without further widening of the access should the nursery object to its use.
- We also dispute the car parking area shown between the nursery and the Mill. While some of this has access rights it is significantly smaller than represented in the plan, so the area available to the development would be much smaller than shown. While this may be accidental on their part, it does not give a true representation of the area available for the development to use.
- We therefore suggest that the development should provide alternative access arrangements to the site, possibly using the existing Mill House access to minimise the risk and danger to nursery users.
- Access to Rear of Mill: It has become clear to us that development would like to use nursery car parking area between the nursery and the Mill for vehicular access. The reason is for local parking at the rear of the Mill rather than parking in the communal car park and walking over. There is no obvious mention of this on the plan that we can see although it might be referred to as an overflow carpark to

the north? The impact of through traffic past the nursery would be unacceptable and dangerous given the sharp turn and single width nature of the route. The route would pass over the culverted river to reach the rear of the Mill a route seldom used in the past. It is not suitable and never will be for an access route and we wish to draw this to the planners attention so appropriate steps can be taken to prevent future use as part of the permission you may grant. Allowing regular or frequent access via this route would be a danger to children in our care. We would expect and hope planners apply extreme caution given the proximity to the children's nursery.

- Layout of boundaries: We note the some of the boundaries are not in keeping with our understanding as owners of nursery freehold. In particular the restricted area between the nursery and the Mill on the top part of the plan is not correctly marked however it doesn't alter the overall application or our objections to this on access grounds.

Officer comment: Members will be aware land ownership is not a planning matter however the applicant has indicated they have right of way over the access across the front of the mill building to land at the rear and a copy of the deed has been submitted. The Highway Authority has raised no objection to the use of the access for residential and nursery traffic.

10.4 A resident has commented

- The mill and the mill house buildings currently sit against the backdrop of the Bourne Valley, which is their natural setting. Constructing new housing behind them would substantially reduce their heritage value by significantly altering their setting. The new entrance to the building and the proposed visitor parking would cause an ugly intrusion between the road and the buildings themselves.
- the mill site is immediately adjacent to my daughter's nursery and some of the proposed demolition works are within a few meters of the nursery garden. The noise, smell and dust which this would cause over an elongated period would be of substantial detriment to the well-being of the children at the nursery.
- the proposed entrance to the new site is via the same entrance used by the nursery. Even with the numbers of cars currently using this entrance, it can be difficult to safely leave the site on foot with a small toddler. Increasing the traffic using this entrance would substantially increase that risk.
- part of the application appears to include a pond and stream within the grounds of the new site. It should be pointed out that the stream is part of the Bourne Valley nature reserve and not part of the proposed site. Any plan to create a new stream meeting the Bourne stream would be a disruption to the existing nature reserve and its eco-system.

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

11.0 Parking Provision

- 11.1 Eleven houses will each have an integral garage, suitable for 1 car, and cycle storage. The other 12 units will each have one parking space. A further 9 spaces this includes visitor parking and the 3 electric cars for sharing; a total of 32 spaces. An additional 19 cycle spaces are indicated 1 for each of 12 units 3 for guests and 4 additional spaces.
- 11.2 The supporting information states that one of the essential elements of the project vision is “environmentally aware travel arrangements. The group prioritise walking, cycling and using public transport. A special feature of Co-Housing is that unlike general needs housing residents are identified before development takes place and residents can take part in travel plan measures. Everyday living arrangements will include lift sharing, car pooling, combine shopping group walks and cycle rides.
- 11.3 A detailed Travel Plan has been submitted and agreed with the Highway Authority, this sets out ways cycling, walking, bus use, reduction in travel, lift sharing and car sharing will be encouraged.
- 11.4 “The Cohousing Board, as the freeholder owner of the site and the dwelling units (which will be held on leases), will be responsible for monitoring the spaces and for taking members to task under site byelaws if this is not complied with. Responsibility for the implementation of the travel plan measures will lie with the Cohousing Board”.
- 11.5 The level of parking proposed is considered acceptable and the promotion of non-car modes of travel is welcomed. A legal undertaking is required to ensure residents comply with the Co-Housing of low/no car ownership. Officers are also concerned that should the site be sold/occupied for general housing purposes car ownership would increase. A plan has been submitted indicating where additional parking spaces could be provided. A legal agreement is also required to secure the occupation of the site by the CoHousing group and if sold /rented for general housing additional parking spaces to meet the councils adopted parking standards to be submitted to and agreed by the local planning authority.

12.0 Open Space Provisions

- 12.1 There is no public open space provision. The gardens and communal gardens exceed the Council’s minimum standards.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that a total contribution of £778,446 should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The majority of this figure is a commuted sum for affordable housing but also includes contributions for community facilities, open space sport and recreation and footpath improvements at Bourne Chase.

- 14.2 The applicant has submitted a viability appraisal which concludes the scheme is unviable and would not support any section 106 contributions. The Council has appointed the District Valuation Service (DVS) to assess the viability appraisal. Their initial report indicates the scheme could support a limited financial contribution; but significantly less than £778,446. Discussions between the applicants' advisor and the DVS are ongoing and the case officer will update Members on this issue on the amendment sheet.
- 14.3 The NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

15.0 Report

Principle of Development

- 15.1 Colchester Borough Council has an up-to-date Development Plan comprising the Adopted Core Strategy (December 2008) and the Adopted Development Policies DPD (October 2010). The site is close to the town centre, it is on a bus route and there are local facilities nearby. This is a sustainable location within the urban area of Colchester the development of such sites is advocated by government in the NPPF and supported in the LDF policies. The site is shown as predominantly residential the principle of residential is therefore acceptable. Outline planning permission for 23 dwellings was granted planning permission last year

Design Scale

- 15.2 The development involves a single street with access from Old Heath Road. A terrace of 17 dwellings faces the road following the contours of the site. These dwellings have a contemporary design with mono pitched green roofs with rendered elevations. This follows the style of design agreed with the approved outline application. The flats located at the front of the site are designed with references from the listed building and include pitched roofs and timber elevations. The buildings are of domestic scale and a mix of 2 and 3 storeys in height.

Impact on Neighbouring Properties

- 15.3 The site has a boundary with properties in Barn Hall road and the main terrace building backs onto this boundary. The terrace comprises 2 and 3 storey units which include first and second floor balconies on the rear elevations. The main living /dining rooms are also at first and second floor level lit by large windows in the rear elevation. The terrace is a minimum of 15 metres from the boundary which widens to over 30 metres. The site rises towards Barn Hall road and the properties in this road are at a higher level. Section drawings demonstrate that the second floor balconies are below the ground floor level of the houses in Barn Hall Road

- 15.4 The Council's privacy standards are set out in the Essex Design Guide (EDG). This explains that privacy can be achieved by remoteness and indicates that where rear facing houses are approximately parallel a rear "eye to eye" distance of 25 metres is required giving each garden a length of 12.5 metres. However where new properties back onto existing housing the EDG indicates the existing residents are entitled to a greater degree of privacy and recommends the new properties should have rear gardens of 15 metres even if this means the 25 metres is exceeded. The EDG also indicates that where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner of the houses. The Council's privacy standard is met due to the back to back separation distances combined with the difference in levels, the alignment of the units and arrangement of habitable rooms.

Sustainability

- 15.5 The application information states "Cohousing is an intrinsically sustainable approach to housing and the environment. By sharing, resources are reduced and greater biodiversity is possible, with shared communal gardens and shared resources like the pond" The homes are designed and will be built to certified Passivhaus, the most rigorous energy standard in Europe. This is supplemented by designing to Lifetime Home standards, which is applied to the houses and flats, and Association for Environment Conscious Building water standards. Construction will include locally grown timber cladding, organic paints, natural linoleum flooring, recycled newspaper insulation, and triple glazed windows. A sustainable drainage system is integrated with the landscape and environmental infrastructure of the scheme.

Impact on Heritage Assets

- 15.6 Cannock Mill is a grade 2 listed building Cannock Mill House is included on the recently approved list of buildings of local importance. On the opposite side of the road is the edge of the Distillery Pond Conservation Area. The Planning (Listed Buildings & Conservation Areas) Act requires the planning authority to pay special regard to the desirability of preserving the listed building together with its setting and any features of special interest which it may possess (s.66(1)). The NPPF also establishes that undesignated heritage assets such as the Mill House are a material planning consideration.
- 15.7 The application includes the removal of a range of buildings including an open garage structure attached to the south east side of the mill, a building described as a scaffold store and a garage south of the mill. No objection is raised to their removal.
- 15.8 The consultation response from the Conservation and Areas Officer is set out above. This details the works to the listed mill building which is subject to a separate application for listed building consent which will be determined under the Council's delegated powers. Members will note the works are considered acceptable and will have less impact on the fabric of the building than an extant consent to convert it to residential use.
- 15.9 The adjacent flats, entrance hall and lift tower are identified as having the most immediate impact on the setting of the listed building and as such need consideration within this application however the designs of these are all acceptable and no objection is raised to them.

- 15.10 The archaeology advisor has considered the Archaeological Desk-Based Assessment and conditions are recommended.

Highway Issues

- 15.11 The application involves widening the existing access from 4.9 to 5 metres. The Highway Authority has raised no objection to the application and is satisfied with the use of the access by both traffic generated by the residential development and the existing day nursery. They have considered the visibility splays and these are acceptable. The applicant has produced a Travel Plan which has also been agreed with the highway authority.
- 15.12 The applicants are committed to low car ownership and non-car modes of transport and the level of parking proposed is acceptable

Drainage/Flood Issues

- 15.13 The application includes a flood risk assessment (FRA) and proposals for sustainable drainage. The FRA demonstrates the development will decrease flood risk and surface run off rates from the site and that flood resilience is increased. The proposal includes sustainable surface water drainage; a series of rainwater gardens and rills will take surface water into the pond. This will reduce the impact on local flooding issues and will achieve a best water practise standard

Trees Ecology

- 15.14 The site is not in a conservation area and whilst the site contains a number of trees they not protected by a tree preservation order. The Tree Survey identifies individual trees; groups of trees; areas of trees, woodland and hedges. There are no A category trees. Trees within the site will be lost by the development but those on the site boundaries, principally limes will be retained.
- 15.15 Landscaping is identified as an integral part of the development and a full and detailed landscape scheme has been submitted. The proposals include native species and also identity opportunities for wildlife enhancement. The creation of water edge native planting next to the pond, fruit and nut trees in the grounds and gapping up the limes along the south boundary is proposed. Beech hedging is indicated to the car parks plus mix hawthorn hedgerows. Woodland planting is proposed including black poplar, small leafed limes, white willow to compliment the retained limes, oaks, alder and pollarded oak.
- 15.16 The ecological survey report and amphibian report have identified no protected species. The applicants' landscape and sustainable drainage include an integrated approach to ecological enhancement. Features such as water gardens and the green roofs of the houses will encourage local ecology flora and fauna.

16.0 Conclusion

- 16.1 The application proposes a “cutting edge example of sustainable design and living development incorporating low energy design of the housing units to Passivhaus standards and environmentally aware travel arrangements”. The development promotes a holistic approach to sustainable drainage, landscape and environmental infrastructure.
- 16.2 The proposal the first of its type in Colchester is supported. It will provide an appropriate use for the vacant listed building complemented by new contemporary buildings. Subject to agreement being reached on the viability of the scheme and the sum available for contributions*, permission is recommended. Members will be provided with an update concerning the progress on this matter.

17.0 Recommendation

- 17.1. APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to secure the following:
- The dwellings to be occupied only by members of the London Countryside Co-Housing Group. Prior to any of the dwellings being occupied by non-members a scheme of additional parking to be submitted to and approved by the Local Planning Authority the approved scheme to be implemented in accordance with an agreed timetable
 - Section 106 contributions in conformity with agreed viability of scheme* (Please refer to Conclusion above)
- 17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

APPROVE subject to the following conditions

18.0 Conditions

1 - *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 245 E 001,005, 006, 007A, 010, 011, 012, 013, 014, 015, 016, 030, 031, 100A, 101, 102, 103, 110, 200, 201, 210, 211, 215, 218, 219, 228, 232, 234, 300, 301, 302, 303, 304, 125, 126, 127, 128, 320, 321, 322, 323, 150, 151, 152, 153, 154, 155, 156, 157, 330, the Landscape Masterplan and Haydens drawing no 4746-D.

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

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the information, including recommendations and conclusions in the supporting documents Design and Access Statement and revised document May 2015, Heritage Statement, Landscape Proposal, Ecological Assessment, Amphibian Survey, Geo Environmental and Geo Technical Investigation, Structural Survey Cannock Mill, Asbestos Survey Cannock Mill site, Flood Risk Assessment revised, Tree Survey including Arboricultural Impact Assessment and Method Statement and Tree Protection Plan revised, Tree Survey drawing, Transport Travel and Access Report and Travel Plan revised and the Sustainable Design and Construction Statement.

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

3 - 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.

4 - Non-Standard Condition/Reason

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure that the materials are appropriate to the architectural character of the buildings and have due regard to the Listed Buildings, Conservation Area and the established townscape character of the area.

5 - Non-Standard Condition/Reason

Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 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 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction, EU Water Framework Directive Drinking Water Protected Area and Bourne Brook) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

6 - Non-Standard Condition/Reason

No occupation, of any part of the permitted development / of each phase of development, shall take place until a verification report demonstrating 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction, EU Water Framework Directive Drinking Water Protected Area and Bourne Brook) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

7 -Non-Standard Condition/Reason

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be 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. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction, EU Water Framework Directive Drinking Water Protected Area and Bourne Brook) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

8 - Non-Standard Condition/Reason

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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction, EU Water Framework Directive Drinking Water Protected Area and Bourne Brook) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

9 - Listed Building Materials

No works shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In order to preserve the historic character of the listed building and in the interests of the visual amenity of the area.

10 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills, reveals, plinths, balconies and all architectural features and details to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include: • PROPOSED FINISHED LEVELS OR CONTOURS; • MEANS OF ENCLOSURE; • CAR PARKING LAYOUTS; • OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS; • HARD SURFACING MATERIALS; • MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.); • PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC.

INDICATING LINES, MANHOLES, SUPPORTS ETC.); • RETAINED HISTORIC LANDSCAPE FEATURES; • PROPOSALS FOR RESTORATION; • PLANTING PLANS; • WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT); • SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND • IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

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

12 - 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.

13 - Contaminated Land Part 1 of 4 (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.

14 - Contaminated Land Part 2 of 4 (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

15 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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.

16 - Contaminated Land Part 4 of 4 (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 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, 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 15.

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

17 - *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 13.

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

18 - Communal Gardens

Prior to the first occupation of the development hereby permitted, the communal garden shall be laid out and be made permanently available for use by the occupants of all the flats to which this permission relates or in such a manner as may otherwise have previously been agreed, in writing, by the Local Planning Authority.

Reason: In the interests of residential amenity, as this communal garden is an essential element of the development.

19 - *Light Pollution for Major Development

Prior to the first Occupation/Use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone 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) shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

20 - 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.

21 - *Residential Parking Spaces Retained

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

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

22 - Non-Standard Condition/Reason

The approved developments' drainage scheme shall be implemented according to the Drainage Strategy Layout/Plan, as detailed in Appendix C (Drawing No. 14022/200) prior to the occupation of any of the dwellings.

Reason: To ensure sustainable drainage proposals comply with the required standards as set out in the following documents.

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide • The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

23 - Non-Standard Condition/Reason

Prior to the occupation of, and commissioning of, the development written confirmation of the maintenance and adoption shall be submitted to and approved by the Local Planning Authority. The maintenance schedule shall be according to the one detailed in the approved FRA (London Countryside Co Housing, Reference: 14022-FRA-001 Rev. A, 22/05/2015).

Reason: To ensure sustainable drainage proposals comply with the required standards as set out in the following documents.

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

24 - Non-Standard Condition/Reason

No works shall take place until groundwater level monitoring have been contacted, over an appropriate monitoring period to include the winter/rainy season. The results of the monitoring shall inform the pumping regime in the trench drain (which collects both surface water run-on and groundwater ingress) to be constructed upslope of the houses. The details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure sustainable drainage proposals comply with the required standards as set out in the following documents.

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

25 - Non-Standard Condition/Reason

No works shall take place until a construction phase flood mitigation plan has been submitted to and approved by the Local Planning Authority. This should detail how off-site flooding will be mitigated during the construction.

Reason: To ensure sustainable drainage proposals comply with the required standards as set out in the following documents.

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C697)
- BS8582 Code of practice for surface water management for development sites.

26 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

27 - Non-Standard Condition/Reason

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

28 - Non-Standard Condition/Reason

The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

29 - Non-Standard Condition/Reason

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

30 - Non-Standard Condition/Reason

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

31 - Non-Standard Condition/Reason

Prior to occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including provision of a Travel Plan co-ordinator within the residential sales office to give advice to the new residents of the development. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM10

32 - Retention and Protection of Water Features

No works shall take place until all aquatic features and associated vegetation on site have been retained and appropriately protected from physical disturbance or pollution in accordance with details that shall have previously been submitted to and approved, in writing, by the Local Planning Authority. Any agreed scheme shall thereafter be retained in accordance with the approved details during all works on site.

Reason: To safeguard the continuity of amenity and nature conservation value afforded by water and to avoid damage to nearby trees by changes to the water table.

33 - 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.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**
PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) **INF01 Highway Works** - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(5) **INF02 Cost of Works** - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(6) **INF03 - Site Workers** - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

(7) **PLEASE NOTE:** The mill building to which this permission relates has been listed by the Secretary of State for Culture, Media and Sport as being of Special Architectural or Historic Interest. A separate Listed Building Consent is required in respect of the development hereby permitted and no development/works should take place until that consent has been obtained. The carrying out of work without listed building consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and/or contractors liable for enforcement action and/or prosecution.

(8) PLEASE NOTE: Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

(9) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

20.0 Positivity Statement

20.1 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.