



Application No: 146519

Location: 62 Brook Street, Colchester, CO1 2UT

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **30 April 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 05/05/2015

MINOR

Site: 62 Brook Street, Colchester, CO1 2UT

Application No: 146519

Date Received: 22 December 2014

Agent: Mr Matthew Kendrick, Grass Roots Planning Ltd

Applicant: Mr Jonathan Amos, Clifton Homes (SW) Ltd

Development: Outline application for the development of up to 5 dwellings, provision of parking for retained dwelling (No. 62) and other ancillary development

Ward: Castle

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 has been called in by Councillor Frame for the following reasons;

"A previous application 141087 for the same site was refused on 1 May 2014. The current applicants have failed to adequately address the highway safety issues which were cited as one of the reasons for the previous refusal including the acute entry angle and the problem of large vehicles which are required to substantially enter the opposing carriageway when exiting the site bringing them into conflict with existing highway users.

These issues will be further exacerbated by the applicant categorising the site as self build which is totally inappropriate for a restricted site of this nature. The uncontrolled element of self build will inevitably lead to issues of highway safety and a lack of control over how many vehicles are entering the site without proper coordination leading to a loss of amenity to residents.

Brook Street has long been recognised as one of the worst areas for air quality in Colchester yet this is proposing to add yet more vehicles into the area and put family homes into an already polluted area.”

2.0 Synopsis

- 2.1 The key issues explored below are the proposed layout and design, site levels, air quality issues, highway issues, impact on residents’ amenity, trees and ecology; contaminated land issues and planning obligations

3.0 Site Description and Context

- 3.1 The site is located on the east side of Brook Street Colchester. It currently forms part of the garden to no 62 Brook Street. There is a Public Right of Way (PROW) along the whole of the southeast boundary. To the north west are gardens of houses in Brook Street and to the rear, east, boundary are allotments. The site has an area of approximately 0.34 hectares it is long and narrow in shape with a width varying between 40m- 8m and tapering to approximately 3 metres at its eastern corner. South of the PROW is further frontage development to Brook Street.
- 3.2 The topography of Brook Street rises from its junction with East Hill to its junction with Magdalen Street/Barrack Street and the houses adjacent to the north boundary are at a lower level than the site.
- 3.3 The site topography slopes in two directions; both E-W and also N-S. There is a bank leading down to the site along the PROW and the land then slopes down to the gardens of the houses along Brook Street. The site slopes down from the road to rear but also contains some raised areas within the site.
- 3.4 The site contains a number of trees and where the site tapers at its eastern corner there are fallen trees and undergrowth. This area of the site is also damp.
- 3.5 Development on both sides of Brook Street leading from East Hill comprises terraced houses abutting the narrow footway. No 66 is part of a small group of semi-detached houses set back at an angle from the road; semidetached houses continue on this side of Brook Street to the railway; whilst there is a more recent housing development on the opposite side of the road that is set back from the road frontage and accessed via Brooklands.

4.0 Description of the Proposal

- 4.1 This outline application proposes the erection of up to 5 dwellings. The site has a narrow frontage to the road and this area will provide an improved access road to the development.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 1410871 – This application was considered by Planning committee at the meeting on 24th April 2014 and refused for the following reasons (summarised):

- Overdevelopment, failure to meet the Council adopted minimum private garden sizes. Due to the site levels some gardens would be unusable. Unacceptable loss of amenity due to overlooking and the overbearing nature of the buildings.
- Poor sense of place, dominated by vehicle parking
- Design does not reflect the appearance and character of existing dwellings and it does not create its own sense of identity
- Loss of trees with no replacement failure to incorporate features which are beneficial to wildlife.
- Detrimental to highway safety for the following reasons:-
 1. The minor road joins the highway at an acute angle of 60 degrees.
 2. Persons entering or leaving the front door of No 62 Brook Street are potentially vulnerable to impact from manoeuvring vehicles.
 3. The vehicle tracking diagram reveals that large vehicles are required to substantially enter the opposing carriageway when exiting the site bringing them into conflict with existing traffic
 4. Due to the level crossing at East Gates, queues on Brook Street regularly extend past the site entrance, thus preventing egress from the site for larger vehicles. This could lead to vehicle conflict in the highway.
 5. The application fails to provide any visitor parking which should be measured at 0.25 spaces per unit. In this location this will lead to additional parking stress in Brook Street.
 6. Given the gradient of the road, and the shared surface turning head, and the slab levels of plots 11 and 12, these plots could be subjected to flooding from highway surface water.
 7. As shown there is no protection to prevent driving and parking on the PROW this would be detrimental to pedestrian safety.
- The application did not include an ecology/habitat assessment, arboricultural impact assessment or a phase 1 risk assessment.

7.0 Principal Policies

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

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

- SD1 - Sustainable Development Locations
- 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
- ENV1 - Environment

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
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- 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

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

- Backland and Infill
- Vehicle Parking Standards
- Sustainable Construction
- Open Space, Sport and Recreation
- Extending Your House?
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy

8.0 Consultations

8.1 Highway Authority

Following this Authority's previous recommendation of refusal, appropriate speed survey information has been received which provides evidence showing that the proposed visibility splays of 2.4 x 43m will not create a highway safety issue. The Highway Authority does not wish to raise an objection to the above application subject to conditions.

The Highway Authority has also provided the following clarification "The developer provided a speed survey showing us that the ambient speed of vehicles on the road, and the accident data, meant this Authority could accept the reduced visibility splays without a highway safety issue being created. In this regard I had no grounds to retain the previous objection. The speed survey results are in Appendix B of the transport statement"

8.2 Urban Design Officer

"This is a confined and generally difficult to develop backland site where the detail of the design will be important in overcoming constraints, addressing reasonable neighbour sensitivities and ensuring development which enhances the area. As such the current scheme fails to adequately convince that the site can provide the form of access and quantum of proposed development whilst meeting design policy, for example as outlined in the Essex Design Guide and Essex Parking Standards. I would therefore recommend improvements before I can support the scheme. My more detailed comments are as follows:

The site provides an opportunity to provide well designed family homes backing onto allotments, retaining some of the sites leafy hillside appeal and provide a more positive relationship with the adjoining footpath which currently suffers from lack of natural surveillance and a feeling of being tightly hemmed in by fencing. The proposal crudely reengineers the hillside into three flat linear bands and includes a seemingly unnecessarily unattractive 1m sheer drop with 1.2m protective fence. Levelling of the bank adjoining the footpath would also involve removing all the vegetation, including a number of trees, which currently help to positively green the footpath. This loss of trees would also remove the landscape screening needed to adequately screen the rear of existing properties on Brook Road from the fronts of proposed properties. I would suggest a band of verge and banking is safeguarded to suitably open up the footpath with a reasonably safe slope down to the road, though protected by knee-high wooden rail, retaining significant levels of tree planting and supplemented by additional planting where appropriate. Planting between homes and the footpath should maintain adequate eye level natural surveillance, e.g. above ground planting and under tree canopies. These recommendations suggest a slightly curved street and front building line, i.e. with plots 2 and 3 for example set back from the southern boundary relative to other plots. The split ground level 2-3 storey format of housing suggested in the site section drawing would appear appropriate for plots 2 and 3 and probably 1, considering the precedent set by adjoining properties, though would seemingly be too tall for plots 4-5 given the potential for these to appear overbearing to nearby allotments. The collective impact of height and massing would also be a consideration. A dormer style arrangement might also be considered to reduce overall visual impact.

With regard to parking, I am concerned that some parking is proposed to the front of properties and in a way which would create a too car dominated environment; considering conflict with the adjoining green foot link and with the Essex Parking Standards. Similarly parking to the side of plot 5 would unduly confine the footpath and reduce the potential for natural surveillance from the property. For this context I would generally recommend parking is provided in tandem to the side of properties and entirely behind the front building line, though some other arrangements might also be appropriate, e.g. spatially enclosed (and therefore discreet) within a forecourt similar to as proposed for plot 4. The relatively narrow (4.8m) street appears appropriate to minimise landscape impact, though might be widened on occasion to facilitate say 1 or 2 visitor parking spaces and passing ability. Parking should be set back from the 4.8m wide street by at least 1.2m to ensure the required 6m turning width, noting this is currently not achieved for four spaces. The 'gateway' area to the development generally appears poor, albeit this appears constrained in all directions. On reflection, I would suggest the need to re-elevate the southern elevation of 62 Brook Street befitting its more prominent 2nd frontage context, partially enclosing the proposed easterly street vista. Similarly the adjoining two new parking spaces for no.62 will detract from the streetscene, though would probably be acceptable considering site constraints.

I would recommend the shared street be continuously treated in a higher quality hard surface to complement the landscape setting / green link (e.g. resin-bound gravel or clay-type pavements), rather than just at the end of the cul-de-sac as suggested. The wing of dwelling 4 appears to project unnecessarily close to allotments in a way which would undermine their green space character. Similarly dwelling 5 might be moved further from the boundary. It is debatable whether plot 5 should be provided given its tapered and treed nature, though its development might be better argued if less than a full 2 storeys, a verge is provided between it and the footpath, a noticeable gap is provided between the building and the allotments boundary, and subject to tree survey recommendations. The constrained nature of the site means good design will not always be possible, though puts greater emphasis on mitigating design quality elsewhere including the design of individual homes."

8.2.1 Additional Comments, 23/2/15

As requested by the applicant the following drawing broadly indicates how the site layout might be improved. This would be subject to detailed considerations including appropriate slope down from the footpath, checking the turning area is acceptable, consultation with highways etc. However, the detached housing format suggests there is some slack to make any necessary amendments.

8.3 Environmental Protection has raised no objection subject to conditions.

One of the conditions recommended the submission of a detailed assessment undertaken by a competent person of the impact the proposed development will have on local air quality. Following discussion with the Environmental protection Team it was agreed this assessment should be submitted prior to the determination of the application.

An air quality assessment has been submitted, Environmental Protection have received the following independent assessment of the report:

"This proposed development is situated partially within an AQMA and in an area of poor air quality. The air quality assessment identified that air quality conditions for

future residents will be acceptable. This observation can be accepted however, traffic movements created by this application will have a small but detrimental effect on nearby air quality that already exceeds EU limit values by 37.5%.

In addition to this application, enquiries have been received relating to air quality impact assessments for other sites within the same AQMA.

Air quality is a material consideration in the planning process. In the determination of this application, consideration should be given to the existing poor air quality and also to the cumulative impact of development on pollution levels.

The National Planning Policy Framework identifies that development should incorporate facilities for low emission vehicle infrastructure. If the proposed development does gain planning permission, then a mitigating measure of the installation of one ELV charging point per unit should be conditioned. This is to enable future occupiers to make green vehicle choices and to minimize the impact”.

8.4 Contaminated Land Officer

“The reports are generally acceptable to Colchester Borough Council Environmental Protection, although I have some comments which I would generally recommend be addressed by future reporting, and conditioned as part of the Reserved Matters. You will, however, need to advise on any implications with respect to the self-build aspect of this outline proposal:

To summarise: some unacceptable levels of contamination have been identified at this site, which will require remediation (once the risks have been fully characterised). This will require the submission of a Remediation Method Statement (RMS) for agreement by Colchester Borough Council, before any works could begin on site. However, based on the information provided, and taking into the account my comments above, it would appear that the site could be made suitable for use, with the remaining actions dealt with by way of condition. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of conditions.”

8.5 Natural England

“Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England’s comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection.

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England have published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development,

including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at

consultations@naturalengland.org.uk.

Impacts to Invertebrates and their Habitats

Natural England does not provide bespoke advice to local planning authorities on habitats and species listed as being of principal importance for the purpose of conserving biodiversity, under Section 41 of the Natural Environment and Rural Communities Act 2006. These are capable of being material considerations in the determination of planning applications, and this proposed development may affect s41 invertebrate species and/or the s41 habitat “open mosaic habitat on previously developed land”.

We have not assessed the application for impacts on these habitats and species, and our lack of comment should not be taken to imply that there are no impacts on them arising from the proposed development.

Natural England has produced standard advice for use by local authorities in Essex, which can be found [here](#). The advice can be used to assist your authority and applicants in determining whether the mosaic s41 habitat and s41 invertebrate species are reasonably likely to be present on, or in the vicinity of, the development site, and how we advise that these are considered in the planning process.

Local Sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI

and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated.”

8.6 Environment Agency

“Thank you for your consultation received on 23 December 2014. We have inspected the application, as submitted, and have no objection. However, we have the following advice on flood risk, land contamination, foul water and sustainability:

Flood Risk – Tidal/Fluvial

Our maps show the majority of the site lies in Flood Zone 12, the low risk zone and the eastern limits in tidal Flood Zone 2, the medium risk zone. The proposed residential dwellings are classified as ‘more vulnerable’ development and the application is therefore covered by our Flood Risk Standing Advice.

We note that a Flood Risk Assessment by Hydrock, referenced R/C14010/001/.02 and dated December 2014, has been submitted. As this falls under our standing advice, we are not providing detailed advice on flood risk, although we have brought some points to your attention below:

- When comparing modelled flood levels to ground levels, only a very small area on the eastern site boundary is shown to be within the critical 1 in 100 year plus climate change fluvial floodplain.
- The site is protected by the Colne Barrier. The Strategic Flood Risk Assessment (SFRA) for Colchester Borough Council shows that if the Colne Barrier were to breach/fail then the site would not be affected by floodwater in a design 1 in 200 year plus climate change flood.
- There is therefore safe dry access/egress route.

The western limits of the site are within an area of flooding if a reservoir was to fail and release the water that it holds.

Summary of Flood Risk Responsibilities for your Council.

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

- Sequential Test
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and resource or evacuation arrangements).
- Safety of the building.
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures).
- Whether insurance can be gained or not.
- Sustainability of the development.

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

Contaminated Land

The submitted application form indicates that contamination is suspected for all or part of the site and a Phase II report has been submitted. However, we consider that the water environment at this site is of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issued for this site.

Foul Water Disposal

The application form states that foul water will be deposited off via the main sewer network. Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

Sustainability

Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.

Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:-

- Overall sustainability: a pre-assessment under the appropriate Code/BREEAM standard should be submitted with the application. We recommend that design Stage and Post-Construction certificates (issued by the Building Research Establishment or equivalent authorising body) are sought through planning conditions.
- Resource efficiency: a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment, Defra have advised that making simple changes resulting in more efficient use of resources could save UK businesses around £234bn a year.
- Net gains for nature: opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the biodiversity value of the immediate and surrounding area.
- Sustainable energy use: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed.

These measures are in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108. Reference should also be made to the Climate Change section of the draft National Planning Practice Guidance, in particular “Why is it important for planning to consider climate change?” and “Where can I find out more about climate change mitigation and adaptation?”

- 8.7 The Landscape Officer has commented that the tree planting indicated requires amendment. The 2 mature willow trees T0013 & T0014 alongside the public footpath proposed for removal form a distinct feature within the landscape with considerable amenity value, their retention should be considered within any revised proposals if they are agreed with/confirmed as being A or B category, this in order to help protect the amenity value afforded by these trees.

9.0 Parish Council Response

- 9.1 N/A

10.0 Representations

- 10.1 (numbers of support/objection and issues raised) Support 3, Object 11

- 10.2 Councillor Hayes (comments summarised)

I write to object to this application.

- This represents another loss of valued back garden which legislation was specifically passed to protect. The issues identified in connection with the refused application 141087 are still present, though the density of proposed development is reduced.
- The area is an Air Quality Management Area due to the excessively high air pollution from vehicle exhaust fumes and the Council has a duty under the Environment Act 1995 to mitigate this. The health hazard to existing residents must be brought down to legal levels before any more development is contemplated in this area.
- The new road will just add to traffic problems in the already very congested and problematic Brook Street as vehicles entering and leaving the proposed development will increase traffic density. The proposed entrance/exit will create a new hazard in Brook Street as it suffers from the same defects as before.
- The proposed development is adjacent to a public footpath and visible from that footpath. While the application seeks to characterise the public footpath as a source of nuisance, this is denied by for example the occupier of 64 Brook Street.
- The proposed development will unduly harm the amenity of existing residents by altering the character of the green space at the rear of their properties.
- The proposed development will harm the value of the Colne river valley as a wildlife corridor and a leisure resource for inhabitants of the Borough. This location is adjacent to the River Colne flood plain, to allotments, to the Town to Port Trail and to the wildlife-rich area between East Hill and Hythe Hill called "The Moors", valued by bird-watchers, walkers and cyclists. As Natural England point out in their letter, statute requires the planning authority to have regard to the purpose of conserving biodiversity.
- It is very unfortunate that the application proposes to remove almost all the trees and vegetation on the site, including 6 category B trees, because they are characterised as nuisances to or significant constraints to the proposed development. They are also habitats for wildlife and if they are incompatible with the proposed development, that counts against the development not the trees.
- A small part of the development land at the east end of the site is on Flood Zone 2 (medium risk). This is undesirable for housing. The application states that the proposals are to deal with excess water run-off by means of a "sustainable

drainage system” and “soakaway”. However, the MLM Environmental report states on page 5 that soakaway drainage is considered unsuitable for this site. This is due to the “predominantly cohesive” soils found below the site: see section 7.7 on page 14. What drainage is therefore to be provided?

- The application contains no proposals for provision for waste and recycling.
- I note that as before, the sole comment in support appears to come from the owners of 62 Brook Street, the site of the proposed development.

10.3 The objections raised by residents reflect those raised by Councillor Hayes the following objections are also raised.

- The traffic survey that was done clearly points out that the busiest time was between 9 and 10 am and 6 till 7pm the reasons for these results are because between 8-9 the traffic barely moves and the same between 430 and 630pm. The times they have suggest is when it starts moving again which is when larger amounts of traffic pass over the sensors proving that static road counters don't tell you the information you really need.
- The area that is to be built on is to have the top soil cleaned as it has been identified as having asbestos in it. What implications does that have for the health of myself and residents living near.
- There will be the initial dirt and noise pollution from the building then when the houses are done it will be noise, heating and vehicle fumes constantly being blown at the back of or houses.
- The last application was rejected on the grounds an entrance way was not in a suitable place, and this is still the case. if you were in a car pulling out of this driveway you would not see vehicles coming up the road because of the setback of the houses and would jam it up if you were trying to turn right. There was a recent accident with a vehicle coming out of meadow brook court because visibility is really bad.
- It is proposed that piling would need to be done to secure the ground, the last time piling was done there was substantial damage done to the properties with large cracks forming in the houses.
- On a normal week there are hundreds of parents and pupils who walk regularly up and down the hill to a local school, if this proposal goes ahead it is putting more danger in front of them
- Decontamination of the site would require diggers and lorries in addition to the building works causing severe disruption to the residents and the traffic.
- Proposal Planning statement states there are continuous footways on both sides of Brook Street. This is not true as the footway at the bridge on the east side of the road is only 0.4m wide. Footways and crossing places in Brook Street are totally inadequate

- Proposal Planning statement says the development will provide 2 parking spaces for no 62 taking pressure off the on street parking. Incorrect as no.62 already has parking for at least 2 vehicles so there is no additional benefit to on street parking.
- This proposal is for outline planning with a view to self build units. I believe that this is an inappropriate way of moving forward and is not in tune with the planning policy of Colchester Borough Council or in the best interests the local residents.
- As the owner of the property next door to No 62 I am concerned that any houses built would have a clear view of my terrace and garden at the rear. Also the relatively clean air which we currently enjoy at the rear would be compromised by the introduction of any extra vehicles entering and exiting this site. It is well known that there is serious pollution from excessive traffic in Brook St, which was declared to be an AQMA ten years ago, since when nothing has been done to improve conditions. On the contrary, there is more and more traffic, now even including buses.
- The houses are proposed to be self-build but no mention of timescale is made. If they are not all to be built at the same time then presumably the noise and disruption of building works would continue on and off for a considerable time.
- References have been made to 'anti-social' problems relating to the footpath which runs alongside my property. I wish to state that I have lived here for thirty years and have never experienced or seen anything of this sort. The path is used on a daily basis by people going to and from work, dog walkers and people like myself walking to the Hythe area.

10.4 Letters of support

- This is a very sustainable location and is perfect for the creation of a small development of new family houses. We understand they may be offered to allow families to self-build their own homes, which could be an excellent opportunity for local people.
- The design layout offers five houses that are situated within a short walk to town, but also with direct access to the Colne valley walks, cycle routes and train station. Via the footpath these houses have access to Castle Park, which doesn't require walking along the main road.
- Every house has the space to park two cars
- The development of this whole area is a permanent solution to enhancing the area long term. The footpath, although recently resurfaced is not a pleasant route to the river walks. It is littered with rubbish and then in the autumn becomes a slippery mulch of rotten leaves. In the summer it is overgrown with nettles and is very difficult to negotiate with small children and especially with a pram. If this area is developed this area would be opened up, easier to maintain and a generally more pleasant access to the river walk and cycle route.
- The plans improve visibility

- The flow of pedestrians up and down the pavement in front of 62 Brook Street is much smaller than on the other side of the road due to the pavement significantly narrowing to less than half a metre at the railway bridge.
- The new planning shows a refuse collection point at the top of the access. This now means that the refuse lorry would continue to still just stop in one place on Brook Street to collect the refuse from the new development as it does now with the existing access at no.62.
- The proposed planning would brighten up, improve and bring new families to this area.

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

11.0 Parking Provision

- 11.1 This is an outline application but the drawings demonstrate the Council's adopted parking standards can be met

12.0 Open Space Provisions

- 12.1 The development is not of a size where public open space is required and the drawings demonstrate the Council's adopted amenity standards can be met

13.0 Air Quality

- 13.1 The site is within an Air Quality Management Area. Following consultation with Environmental Protection an Air Quality Assessment has been submitted. The consultation section above sets out the independent response received. The main points are summarised below:-

- The development is situated partially within an AQMA and in an area of poor air quality. The air quality assessment identified that air quality conditions for future residents will be acceptable.
- Traffic movements created by the application will have a small but detrimental effect on nearby air quality that already exceeds EU limit values by 37.5%.
- Consideration should be given to the existing poor air quality and also to the cumulative impact of development on pollution levels.
- The NPPF identifies that development should incorporate facilities for low emission vehicles. If the proposed development does gain planning permission, then a mitigating measure of the installation of one ELV charging point per unit should be conditioned. This is to enable future occupiers to make green vehicle choices and to minimize the impact".

- 13.2 The Transport Statement supporting the application indicates An Automatic Traffic Count (ATC) survey was carried out adjacent to the site, where Brook Street narrows around 30m north of the site entrance, from Saturday 7th December 2013 for one week. The results indicated an average daily flow of just under 16,000 vehicles (two-way combined) of which 9% were HGVs of all types. Weekday peak hours were identified as 09:00-10:00 (with 1,084 two-way vehicles on average) and 18:00-19:00 (with 1,238 vehicles).
- 13.3 Five dwellings will generate additional traffic onto Brook Street. However the amount of additional movements compared to existing traffic flow would be very small. The transport statement indicates an average daily flow of 16,000 movements. If each dwelling was to generate an average daily flow of 8 two-way combined movements this would add in total just one quarter of 1% to the average daily flow. Eight two-way movements per day is a very high estimate and the average is likely to be much lower. The development of this site will not create a precedent for other development, nor does have the potential to allow adjacent land to be developed. On this basis your officers consider the impact of the development on air quality is insufficient to justify a refusal of planning permission. The mitigation measures recommended in the consultants' report are secured by condition.

14.0 Development Team and Planning Obligations

- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Layout

- 15.1 The application is for outline planning permission. A block plan showing a possible layout for 5 units has been submitted. However all matters of layout, appearance and landscaping do not form part of this application and will be submitted and agreed under the reserved matters applications. The access arrangements shown do form part of the application.
- 15.2 The block plan indicates access onto Brook Street to the side of no 62 with 4 dwellings fronting the access with the 5th unit side on. There is a public right of way (PROW) along the south boundary and within the site a bank which acts partly as a retaining wall. The original plan indicated the removal of the bank with the ground level of the site lower than the PROW.
- 15.3 An amended plan has been received indicating the bank retained. This will result in a more satisfactory relationship between the two. The PROW is currently enclosed on both sides by high fencing producing a tunnel effect. The bank will be landscaped and with the dwellings overlooking the PROW they will provide natural surveillance.

- 15.4 Whilst the layout shown does not form part of the application it does demonstrate that the site could satisfactorily accommodate 5 dwellings meeting the Council's adopted standards in respect of privacy, amenity and parking. The development is therefore acceptable in principle.

Scale, Height and Massing

- 15.5 The site slopes down behind the road frontage there is also a downwards slope from S – N. This means cut and fill is required in the central part of the site to provide a developable area. The Design and Access Statement indicates dwelling will be split level 2 storeys fronting the access (the front elevation) and 3 storeys to the rear. This reflects development along Brook Street. Storey height can be controlled by condition.

Impact on the Surrounding Area

- 15.6 The development will generate additional traffic onto Brook Street a very busy road where traffic is often stationary. The question to be asked is whether the traffic generated by 5 dwellings will have such an adverse impact that a refusal of planning permission could be justified. Your officers consider the additional vehicle movements generated by 5 dwellings when compared to the existing traffic flow will be very small and will not have such an adverse impact to justify a refusal of planning permission.

Impacts on Neighbouring Properties

- 15.7 Existing dwellings fronting Brook Street are at a much higher level than those proposed. There are no issues of overlooking, loss of privacy or overbearing in respect of existing dwellings or the area of private amenity space next to the dwelling. The rear gardens of the majority of the dwellings and the rear elevation of the dwellings will face the allotments. Whilst it is likely one dwelling will share a boundary with no 60 Brook Street, when the reserved matters for this plot are considered should there be any overlooking issues then this can be designed out by the orientation of the dwelling and position of windows.

Amenity Provisions

- 15.8 The drawings indicate the Council's adopted standards for private amenity area can be satisfied.

Highway Issues

- 15.9 The Highway Authority has withdrawn their objection to the application their comments are set out in the consultation response above.

Other matters

15.10 Trees

An Arboricultural Impact Assessment has been submitted. None of the trees are protected by a tree preservation order. There are no category A trees on the site and 7 category B trees. The majority of these are within the garden and are proposed to be removed. A willow on the bank adjacent to the PROW will also be removed. No objection is raised to the removal of the trees. New planting will be secured by condition for the gardens and the bank.

15.11 Ecology/Habitat

An ecological assessment has been submitted this concludes the site is of low ecological value with only the trees and scrub habitat being of value for some groups; birds, bats and invertebrates. The application information indicates the site is predominantly open garden land mainly laid to lawn with negligible habitat value for ecology. However in its eastern corner of the site is an area of fallen trees, undergrowth and evidence of a spring or pond. This area is to be retained. Precautionary mitigation for reptiles is recommended in respect of clearance works within the scrub habitat and in relation to nesting birds. Enhancements for birds, bats and invertebrates have been recommended.

15.12 Contaminated Land Risk Assessment

The site is within a known fill area. The Contaminated Land Officer has considered the submitted reports and has raised no objection subject to conditions

15.13 Drainage and Flood Risk

The majority of the site is within Flood Zone 1 – the low risk zone, a small part is within Flood Zone 2. A Flood Risk Assessment has been submitted and considered by the Environment Agency (EA). The EA advise that only a very small part of the site is shown to be in the critical 1 in 100 year plus climate change fluvial floodplain, the site is protected by the Colne Barrier. There is a safe /dry access/egress route.

The Council's Emergency Planner has confirmed an emergency plan is not required as residents have a safe means of escape. Only a limited area of site is within Flood Zone 2 and this area is shown as garden. The dwellings will be constructed within Flood Zone 1 the low risk zone.

16.0 Conclusion

- 16.1 The development is proposed on a site allocated for residential purposes. Five dwellings are proposed and whilst the application is for outline planning permission it has been demonstrated the site can satisfactorily accommodate 5 dwellings and satisfy the council adopted standards in respect of parking, private amenity space and it will not have an adverse impact on neighbouring amenity or privacy. Consultees including the Highway Authority, Environment Agency and Environmental Protection have raised no objection subject to conditions. It is appreciated the development will add traffic to Brook Street an Air Quality Management Area. The additional vehicle

movements will be very small compared to existing traffic figures and whilst this will result in a small adverse impact officers consider this limited adverse impact is not sufficient to justify a refusal of planning permission. The proposed dwellings will be located behind the road frontage and air quality for these residents will be acceptable.

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

18.1 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.

19.0 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 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

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

5 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

6 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include details of surface water and foul water drainage. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage and foul drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding and to ensure an appropriate method of foul water drainage.

7 -Non-Standard Condition/Reason

The number of residential units hereby approved is restricted to a maximum of 5 dwellings.

Reason: For the avoidance of doubt as to the extent of this permission.

8 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall comply with the Design and Access Statement Rev A and drawing nos. 13048/001 REV B and 13048/003 REV A submitted with the outline planning application reference 146519.

Reason: In order to ensure the phased development of the site is carried out in a co-ordinated and coherent manner and in accordance with an over-arching design and access strategy.

9 - Non-Standard Condition/Reason

The reserved matters application for each dwelling demonstrate compliance with the following reports/documents submitted in respect of the outline application reference 146519

- Ecological Assessment Ref:1046 dated February 2015
- Flood Risk Assessment December 2014 Hydrock Ref: R/C14010/001.02
- Phase II Geo-environmental Assessment Report Document Ref: 771789-REP-ENV-R4 Date: 22 April 2014
- Arboricultural Impact Assessment at; 62 Brook Street, Colchester 24.01.2014.

Reason To ensure a satisfactory form of development

10 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include all of the following • details of a landscape scheme for the bank adjacent to the Public Right of Way and all other hard and soft landscaped areas other than privately owned domestic gardens. The landscape scheme shall include the following:

- 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; ANDIMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.
- Details of a Management Company with responsibility for the bank and all other hard and soft landscape areas which do not form part of a domestic curtilage
- Details of a Management Company for the access road
- Details of habitat enhancements for the areas which do not form part of a domestic curtilage plus an implementation timetable.

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. To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to provide opportunities for biodiversity improvements in accordance with Paragraph 118 of the National Planning Policy Framework.

11 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a scheme of habitat and ecological enhancements and implementation timetable. The scheme shall include enhancements for birds, bats and invertebrates.

Reason: To provide opportunities for biodiversity improvements in accordance with Paragraph 118 of the National Planning Policy Framework.

12 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall a scheme to limit the development's impact on the environment and ensure it is resilient to future climate change. The scheme shall include details of water efficiency measures, waste and resource management and efficiency, net gains for nature and sustainable energy use. The applicant is advised to consider the response from the Environment Agency in respect of the outline planning application and to appoint a suitably qualified consultant.

Reason: To ensure the development is sustainable and its adverse impacts on the environment are minimised.

13 - Non-Standard Condition/Reason

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

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

14 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows, doors, rooflights, dormer windows or any other form of opening shall be inserted in any elevation or roof slope of any dwelling except in accordance with the approved reserved matters detail.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

15 - Non-Standard Condition/Reason

The garage accommodation forming any part of the approved reserved matters shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

16 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include full details of all landscape works. 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.

17 - Non-Standard Condition/Reason

Prior to the first occupation of any of the dwellings, 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.

18 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a minimum of 2 off-street car parking spaces for the dwelling and a minimum of 2 visitor parking spaces within the site. The parking facilities, as agreed, shall be maintained at all times for parking and provided prior to the occupation of the dwelling.

Reason: To ensure the provision of adequate car parking within the scheme in accordance with the Council's parking standards.

19 - Non-Standard Condition/Reason

19. The reserved matters application for each dwelling shall include a Construction Method Statement. 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; turning and offloading facilities for delivery vehicles within the site 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.

20 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a noise survey for the proposed development as the site in the vicinity of the RAILWAY. The survey shall be undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. Each residential unit shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

21 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall demonstrate that the access road is of a non-gravel construction. The access road shall be constructed in accordance with the approved materials.

Reason: To protect the residential amenity.

22 – Non Standard Condition

The reserved matters application for each dwelling shall demonstrate that all the following requirements are satisfied:

- Prior to occupation of the dwelling, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 49 metres to the north and 2.4 metres by 47 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- Prior to occupation of the dwelling 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.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of any highway boundary.
- The carriageway(s) of the proposed estate road(s) 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(s). 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.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- Any single garages should have a minimum internal measurement of 7m x 3m
- Any double garages should have a minimum internal measurement of 7m x 6m
- Any tandem garages should have minimum internal measurements of 12m x 3m
- All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: In the interests of highway safety and to ensure compliance with policy DM1, DM7, DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

23 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a detailed sustainable transport mitigation package. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

24 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include an investigation and risk assessment, in addition to any assessment provided with the outline planning application, which shall 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.

25 - Non-Standard Condition/Reason

No works shall commence 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.

26 - Non-Standard Condition/Reason

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.

27 - Non-Standard Condition/Reason

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 24, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 25, 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 26.

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.

28 - Non-Standard Condition/Reason

Prior to the first OCCUPATION/USE of any of the dwellings, 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 25.

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.

Informative the Investigation and Risk Assessment will need to be carried out by an appropriately qualified professional.

29 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include details of the installation of one ELV charging point. The approved details shall be installed prior to the occupation of the dwelling and thereafter maintained.

Reason The site is within an Air Quality management Area and this will help mitigate the impact of the development and enable future occupiers to make green vehicle choices.

30 - Non-Standard Condition/Reason

No works shall take place on any of the dwellings hereby approved until evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

31 - Non-Standard Condition/Reason

Within 3 months of the first occupation of each dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

20.0 Informatives

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

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

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

(5) The public's rights and ease of passage over public footpath no137 (Colchester) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. Any unauthorised interference with the route will constitute a contravention of the Highways Act 1980.

(6) 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. 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, 910 The Crescent, Colchester, CO4 9QQ.

(7) 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.

(8) 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.

(9) To avoid committing an offence under The Wildlife and Countryside Act 1981 (as amended) clearance of the scrub habitat should be undertaken outside the hibernation period (ie between April to October inclusive).

(10) To avoid committing an offence under The Wildlife and Countryside Act 1981 (as amended) areas of suitable nesting habitat should only be removed outside the bird nesting season (March to August inclusive).