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Item No: 7.2

Application: 161380

Applicant: Mr William Vote

Proposal: Revised development to provide 176 no. one, two, three and four bedroom houses and apartments, plus associated road and parking, public open space, landscaped buffers and drainage works.

Location: Land North of, Wyvern Farm, London Road, Stanway, Colchester

Ward: Marks Tey & Layer

Officer: Sue Jackson

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 which are material planning considerations.

2.0 Synopsis

- 2.1 This full application essentially seeks to substitute house types for an approved residential scheme. The key issues for consideration are the approved development and the proposed amendments. The other key consideration is that, whilst objections have been received which are material planning considerations, the objections are not relevant to this application which proposes a change to the approved house types. However the scheme of delegation requires all major applications where a material planning objection is received to be reported to the Planning Committee
- 2.2 The application is subsequently recommended for approval

3.0 Site Description and Context

- 3.1 The Wyvern Farm site is 12.6ha it has limited frontage to London Road between existing residential premises at 276 and 274 and 254 and the electrical sub-station opposite 179 London Road. The site backs onto nos. 278 to 254 London Road. The eastern boundary runs north- south and adjoins the site known as Stane Park. The northern boundary runs parallel with the line of the A12 but is significantly set back from the carriageway by land which is currently allocated for employment purposes. The western boundary overlooks open countryside. The site is largely flat and the majority comprised agricultural land although a parcel behind nos. 278 and 268 London Road contains former agricultural buildings which have seen alternative uses over the years. These buildings will be demolished to facilitate development of the entire site. The eastern boundary of the site is characterised by established ancient hedgerow and the southern edge is less well defined by sporadic hedgerow to the rear of established residential properties.
- 3.2 This application relates to a part of the Wyvern Farm site specifically that part closest to the A12. It has a boundary to the employment land, Stane Park, open countryside and new residential development forming part of the larger Wyvern Farm development.

4.0 Description of the Proposal

- 4.1 The application proposes a revised set of house types for 176 units which were granted full planning permission in 2014 under application reference 145494. The reason for these revisions is that Charles |Church now propose to build out this part of the site not Persimmon Homes. The revised house types have resulted in very minor changes to the layout.
- 4.2 The 2014 application granted planning permission for 358 units and indicated 170 on the current application site.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 145494: Demolition of the existing buildings, the construction of two entrances from London Road and the creation of 358 no. one, two, three and four bedroom houses and apartments, plus associated roads and parking, public open space, landscaped buffers and drainage works. Approved July 2015.
- 6.2 151884 & 152421: These applications varied condition 22 on the 2014 planning permission which restricts development to as shown on specific plans. Bellway having acquired part of the wider Wyvern Farm site from Persimmon wished to introduce house type substitutions to differentiate their product from that of Persimmon.

7.0 Principal Policies

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing

- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

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

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- 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
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

- SA H1 Housing Allocations
- SA STA1 Appropriate Uses within the Stanway Growth Area
- SA STA2 Phasing of Greenfield sites in Stanway Growth Area

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

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

Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
ECC's Development & Public Rights of Way
Planning Out Crime
Stanway Joint Design Statement and Parish Plan

8.0 Consultations

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

8.2 Natural England

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.

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.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing

Advice on protected species.

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 is needed (which is the developer's responsibility) or 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 with details at consultations@naturalengland.org.uk

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 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'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

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

OFFICER COMMENT: This application proposes revised house types and relates to a part of the site which already benefits from a full planning permission. This proposal raises no new ecological issues and conditions will be imposed as per the 2014 application.

8.3 Environmental Protection raises no objection subject to conditions.

8.4 Contaminated Land Officer raises no objection subject to conditions.

8.5 ECC Lead Local Flood Authority

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted. Reason the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Footnote 20 of paragraph 103 of the NPPF requires applicants for planning permission to submit an FRA when development on this scale is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions.

In the absence of an FRA, the flood risks resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

OFFICER COMMENT it is noted ECC object to the development however this application proposes revised house types, the plots comprising this application already benefit from planning permission and therefore no new drainage issues are raised. The Environment Agency considered flood risk issues when the Agency was consulted on the 2014 application they required the surface water drainage scheme as detailed in the approved Flood Risk Assessment to be implemented. A condition was imposed on the 2014 planning permission to secure the drainage scheme and the same condition will be imposed on this permission. The development includes the creation of an on-site SuDS system which is likely to also improve biodiversity by creating a new intermittently water-based habitat currently not found on the site.

8.6 North East Essex Badger Group

There is a badger sett along the hedgerow near to the north east corner of the site - TL94365 24990 which the North East Essex Badger Group has been monitoring for the last six years or so.

During that time the sett has fluctuated quite considerably with badgers moving between this hedgerow and Turkey Cock Lane. At the moment it is reasonably quiet.

May we suggest that the location of this sett is borne in mind with regard to heavy plant being parked off site in that area and also due thought be given to the nocturnal wanderings of these badgers i.e. open excavations, which they may fall into and be unable to get out. Should you require further information, please do not hesitate to get in touch

OFFICER COMMENT this application proposes revised house types on plots which already have planning permission the application raises no new issues in respect of badgers or badger setts and conditions will be imposed as per the 2014 application.

- 8.7 The Ramblers - A future parcel of this site contains public right of way footpath 27 Stanway. This route leads to the dead end at the A12 at present but the plan for the A12 to become expressway will create new forward routes for it and allowance should be made to use it as part of the green connective route network through the site.

OFFICER COMMENT this application proposes revised house types and raises no new issues in respect of footpath 27 which is outside the application site.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that "After discussion it was RESOLVED that Stanway Parish Council OBJECTS to this proposal as the two new exits on to the London Road will impact on the traffic. The roads on the development are very narrow with no footpaths and there is no legislation to enforce a safe 'shared space/area'. There is no visitor parking provision and the housing density is too high. The existing infrastructure is inadequate especially in relation to highways, drainage and local schools. There are also serious concerns over the lack of amenity space in the central area, especially for children. Finally there is a footpath that runs from the London Road to the railway which has not been mentioned in the plans. Stanway Parish Council request that all the recommendations in the reports be completed i.e. geophysical, archaeological and bat survey.

Also that site construction vehicles access the development from the A12 and are to be parked 'on site'. Stanway Parish Council is also disappointed that the majority of the 10% of public open space is on the periphery of the development and not in the middle, leaving no safe children's play area. Also, that not enough consideration has been given to the disabled, pedestrians, mothers and children in the areas where there are no pavements.

OFFICER COMMENT the issues raised by the parish council relate to matters of detail in respect of roads, infrastructure, amenity space open space and traffic which all formed part of the consideration of the 2014 application. Open space, roads, road layout, access and access for construction vehicles are all unaltered. Visitor parking is proposed and the housing density at 34.1 dwellings per hectare is considered acceptable.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 One resident has commented "Having read the application and not fully understanding what is being submitted I telephoned Charles Church to ask them to explain to me, as a concerned resident, what the application was about. Charles Church said they would call me back and they didn't. I called them again today and they refused to tell me anything about the application. Rather disgusted at their attitude, they just don't care about existing residents

Officer comment: Whilst this is unfortunate it does not raise issues relevant to the consideration of the application.

11.0 Parking Provision

11.1 A total of 376 parking spaces are proposed. This is slightly below the number required to meet the adopted parking standards but it is anticipated amended plans will be received prior to the committee meeting showing compliance with parking standards.

12.0 Open Space Provisions

12.1 The provision of open space is unaffected by this application 10% open space is provided as required by policy

13.0 Air Quality

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

14.0 Planning Obligations

14.1 A legal agreement is required to link this application to the section 106 agreement under application 145494 to ensure all the obligations are secured.

15.1 Report

15.1 The main issues in this case are:

Principle

15.2 The site is allocated on the Adopted Colchester Inset Proposals Map (October 2010) and in policy SA STA 1 of the Adopted Site Allocations Document (October 2010) for residential purposes. On this basis the principle of residential use is acceptable as it accords with adopted land use policy. Residential development has already been secured by application reference 145494 granted full planning permission for 358 units in 2015. This application seeks to amend the house types which also result in very minor revisions to the layout

Design and Layout

15.3 The layout is virtually identical to that approved the changes are to accommodate the revised house types. The units are predominantly detached with some semi- detached, terraced units and apartments.

15.4 The layout and designs retain the original character areas, Parkland Edge, the Lanes and the Avenues. A treed boulevard is proposed along the southern edge with trees set in a grassed strip and the foot path behind. The Boulevard connects to the eastern and western access points from London Road. The layout includes landscape buffers on the north, east and west boundaries. The Parkland Edge has a more rural feel with landscaping, wider street and avenue of trees. The Avenues comprise dwellings of red brick and grey roofs which provides uniformity in the formal character area, the Lanes have more varied materials including boarding, render and exposed brickwork.

15.5 Amendments to the revised house types have been negotiated and their fenestration and detailing is now considered to be acceptable. The revisions will result in a range of dwellings with greater variety of traditional detailing and fenestration than those previously approved.

Scale, Height and Massing

15.6 The dwellings are predominantly detached or semi-detached but include a few terraced units, four apartment buildings are now proposed. The majority of the buildings are 2 storeys with some dwellings 2.5 storey. The partments are 3 storey. The approved development included 2 and 2.5 storey buildings with no 3 storey units. However this increase in height is considered acceptable as it relates to the rear part of the Wyvern Farm site facing an area of open space separating the site from Stane Park.

Impact on the Surrounding Area

- 15.7 This application raises no issues not considered as part of the 2014 application.

Impacts on Neighbouring Properties

- 15.8 There are no impacts on residential amenity

Amenity Provisions

- 15.9 This application secures the same public open space provision as the 2014 Application.

Highway Safety and Parking Provisions (including Cycling)

- 15.10 The application involves no change to the approved access from London Road and retains the potential for bus connectivity to Stane Park.

16.0 Conclusion

- 16.1 In conclusion, the development is considered acceptable.

17.0 Recommendation

- 17.1 APPROVAL of planning permission subject to conditions as set out below and 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 to link this application to the legal agreement with application 145494. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement

18.0 Conditions

1. ZAA - Time limit for full permissions

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

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

PRE-COMMENCEMENT CONDITIONS

2. - Materials to be agreed

No works shall take place until 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. This condition is discharged in part by drawing number P-128-004 rev B Materials Layout in respect of plots 103 -132, 146- 185, 268-278 only.

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

3. Surface materials to be agreed

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details. This condition is discharged in part by letter dated 9 June 2016 application 151870.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such detail are considered important to the character of the area.

4. Hard and soft landscape to be agreed

Notwithstanding such detail as may have been submitted no works shall take place until further 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;
- 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.);
- 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.

5. Trees to be protected

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. This condition is discharged in part by letter dated 3 June 2016 application 160891.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

6. Code of construction statement to be submitted

Prior to commencement of the development the developer shall submit a code of construction statement for approval to the local planning authority. That statement shall include details of the following:-

- Pre-adoption maintenance arrangements at the developer's expense for roads, kerbs, paths, street lights, dog and litter bins, open space (including litter picking), landscaping and the public realm generally.
- Arrangements for the prominent display in a publicly accessible location of the following:
 - Site manager contact details. (email and telephone)
 - Out of hours contact details for the reporting of problems during construction
 - The display of the planning permission and all associated conditions and an approved layout drawing
 - Summarised build programme
- Arrangements for the prominent display of a notice board in a publically accessible location within the area that will become the central open space providing information of the central open space with play facilities coming soon on that site.
- Compound location
- Overall build programme
- Site parking arrangements
- Delivery routing plan
- Construction hours limitations
- Concrete breaking methodology
- Dust suppression
- Tyre washing
- Concrete plant location
- Noise suppression (vehicles reversing alarms)
- Site manager contact details for residents
- Show house locations
- Top soil mound positions
- Recycled material storage areas
- Local newsletter arrangements and catchment
- Floodlighting
- Fuel storage arrangements
- Asbestos removal methodology

- Demolition methodology Development shall not proceed until such details have been agreed in writing by the local planning authority and thereafter the developer shall comply with such detail as shall have been agreed.

This condition is discharged in part by letter dated 2 June 2016 application 151870.

Reason: In order to safeguard the amenity of existing local residents living on adjacent plots.

7. Archaeological evaluation

Prior to commencement of the development an archaeological evaluation by trial-trenching shall be carried out in accordance with a written scheme of investigation to be agreed in writing by the local planning authority. This shall take the form of a 4% evaluation of the development area with 1% held in reserve should further investigation be needed. The results of this evaluation shall be set out in a report to be submitted to the local planning authority in order to inform whether there is any further need for archaeological mitigation. Until the local planning authority has confirmed the position no commencement, including any site clearance involving disturbance of the ground, shall occur. In the event that further investigation works are found to be necessary, the methodology and scope for these further works shall be agreed in writing by the local planning authority and the works executed fully in accordance with the agreed details prior to the commencement of development. A report setting out the findings of the investigative works shall thereafter be deposited with the Council's Historic Environment Record within 12 months of completion.

This condition is discharged in part by letter dated 2 June 2016 application 151870.

Reason: The site is known to be close to the ancient road between Verulamium and Camulodunum (St Albans and Colchester) as well as the ancient Iron Age - Romano British site at Gosbecks and therefore the Council wishes to ensure that appropriate steps are taken to identify and record heritage assets

8. Investigation and risk assessment,

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'. This condition is discharged in part by letter dated 2 June 2016 application 160891.

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

9. 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. This condition is discharged in part by letter dated 2 June 2016 application 160891.

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

10. Approved remediation scheme to be carried out

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. This condition is discharged in part by letter dated 9 June 2016 application 160891.

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

11. Drainage details to be submitted

Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied. The scheme shall include:

- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- The discharge rate to any watercourse will be at no greater than the Greenfield rate for the equivalent event for the 1 in 1, 1 in 30 and 1 in 100 year storm (without the addition of climate change allowance).

- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
- Calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.
- Details of any exceedance and conveyance routes.
- Consider localised flooding along London Road and design SuDS to cater for this.
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- Confirm that the receiving watercourse is in a condition to accept and pass on the flows from the discharge proposed.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. This condition is discharged in part by letter dated 10 June 2016 application 160891.

Reason: To ensure that the site is adequately drained and does not result in flooding or pollution of watercourses.

12. Foul water strategy to be submitted

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority. This condition is discharged in part by letter dated 9 June 2016 application 151870.

Reason: To prevent environmental and amenity problems arising from flooding.

13. Wheel cleaning facility

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development. This condition is discharged in part by letter dated 3 June 2016 application 151870.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14. Revised highway details

Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:

- a) The turning heads adjacent plots 20 & 38, 61 & 62, 74 & 150, 158 & 168, 189 & 196, 218 & 234 and 339 & 358 amended to ensure they comply with adoptable standards
- b) Instead of narrowing to 4.8 metres, the end of all shared surface cul-de-sacs to also be a minimum of 5.8 metres wide to ensure they comply with adoptable standards
- c) A minimum of 6 metres (clear of obstructions) in front of all parking spaces
- d) All traffic calming measures required to achieve a 20 mph zone

e) A minimum size 5 turning head to all private drives longer than 18 metres or fronting the proposal site spine road

f) The footpath located between plot 286 & 302 a minimum 3 metre wide shared footpath/cyclepath. The development shall be carried out in accordance with the approved drawings.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

15. Details of ownership and maintenance responsibilities to be submitted

Prior to the commencement of any development drawings clearly showing future intended ownership and maintenance responsibilities for every part of the site (including those parts comprising landscaping buffering and/or Sustainable Urban Drainage (SUDS) features on the periphery) shall be submitted to and approved by the local planning authority. This condition is discharged in part by letter dated 2 June 2016 application 160891.

Reason: In order that the local planning authority can be satisfied that responsibility for maintenance of every part of the site can easily be established in the future and that where appropriate untidy, damaged or non-operable components elements can where possible be resolved through appropriate channels in the interest of maintaining the quality of the environment and or public safety.

16. Bus gate design and arrangements to be submitted

Prior to the commencement of development drawing/s showing the detailed bus gate design and arrangements within the development site shall be submitted to and approved by the local planning authority. Such detail as shall have been agreed shall be implemented prior to the commencement of any residential development in the phase containing road within which the bus gate is located or at the time of construction of the adjacent section of road, whichever is the sooner. This condition is discharged in part by letter dated 9 June 2016 application 160891.

Reason: In order that the local planning authority is satisfied that appropriate detail has been agreed and is implemented to facilitate enhanced public transport connectivity through this estate to adjacent developments which will be similarly required to facilitate bus connectivity in a co-ordinated approach.

PRE-OCCUPATION CONDITIONS

17. Screening required to London Road

Prior to the first occupation of development, a 1.8 metre high screen boundary treatment that shall have previously have been approved, in writing, by the Local Planning Authority, shall be erected along the southern site boundary and adjacent to 276 London Road westside) and 254 London Road (eastside) The screen boundary treatment shall thereafter be retained as approved.

Reason: To protect the amenities and privacy of occupiers of the adjoining property.

18. Provision of central play area/open space

Prior to the first occupation of any part of the development within phase 4 of development the central play area/open space hereby permitted, and as shown on the approved plan shall have been laid out in full accordance with the details shown, and that area shall be maintained thereafter for use as a play area.

Reason: To ensure that the play area shown on the approved plans is available for use from the first occupation of the development and that adequate provision is subsequently retained in perpetuity.

19. Certificate re remediation works

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 10.

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

20. Highway works to be completed

No occupation of the development shall take place until the following have been provided or completed:

- a) Two priority junctions off London Road to provide access to the proposal site as shown in principle on the planning application drawings
- b) A £25,000 index-linked contribution towards improvements at the London Road/Stanway Western Bypass roundabout or such other improvement(s) in the vicinity of the proposal site as shall be agreed between the applicant and Local Planning Authority
- c) A £41,083 index-linked contribution towards upgrading the bus fleet on service number 70 to all double deck buses
- d) Upgrading of the two bus stops located west of the London Road/Stanway Western Bypass roundabout to current Essex County Council specification to include but not limited to real time passenger information
- e) A minimum 3 metre wide shared footway/cycleway along the length of the proposal site's eastern most frontage onto London Road
- f) Residential Travel Information Packs.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

21. Highway/transportation works to be completed

Prior to the occupation of 75% percent of the dwellings the following infrastructure shall have been completed and available for use. Phase 1: the southern-most pedestrian cycle connection to the Stane Park boundary. Phase 3: the bus link section of highway to the Stane Park boundary and associated footwaays and cycle paths. And the northern most pedestrian cycle connection to the Stane Park boundary.

Reason: To ensure that planned permeability as envisaged in the Stanway Vision Document is delivered in parallel with adjacent tranches of development in the interest of securing excellent accessibility and connectivity for modes of travel other than the car.

RESTRICTIVE CONDITIONS

22. Approved drawings

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers. For the avoidance of doubt the approved drawings numbers in respect of application 161380 are P128-002B, 003B, 005B, 006, 007A, 008A, 009, 010, 011, 012, 013A, 014A, 015A, 016A, 017A, 018A, 019A, 020, 021, 022, 023, 024, 025, 026A, 027, 028, 029A, 030A, 031, 032A, 033, 034, 035A, 036A, 037A, 038, 039A, 040, 041, 042, 043, 044, 045, 046, 047A, 048A, 049A, 050, 051, 052, 053, 054A, 055, 056, 057A, 058, 059, 060, 061A, 062A, 063A, 064A, 065A, 066A, 068A, 069, 070, 071, 072 and 073.

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

23. This condition number is intentionally not used.

24. Removal of permitted development rights

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

25. Garages to be retained

The garage accommodation forming part of the development 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

26. Dimensions of garages

The single GARAGE(S) shall have a minimum internal measurement of 7m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

27.Unexpected contamination to be reported

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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 10.

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. Lighting to the perimeter path to be submitted

Notwithstanding such landscaping detail as shall have previously been submitted further details of lighting to the perimeter path shall be submitted to and approved by the local planning authority within three months of the date of this permission. Such lighting shall be low level (in terms of height above ground) and use LED technology. Such detail as shall have subsequently been agreed shall be implemented as part of the adjacent perimeter footpath/cycleway works and shall thereafter be retained and maintained in good working order. This condition is discharged by letter dated 2 June 2016 application 160891.

Reason: In the interest of enhancing the safety of users of the perimeter path/cycleway during hours of twilight and darkness and to optimise access, connectivity and wellbeing opportunities.

29.Provision of dog bins

Landscaping details required to be approved under condition 4 above shall include the provision of three dog bins within the development in locations to be agreed and shall also include provision for the regular emptying of the said bins within a maintenance agreement the details of which shall first be agreed in writing with the local planning authority prior to installation of the said bins. Such bins as shall have been agreed shall be installed and maintained in accordance with a timetable that shall be agreed at the time of discharging this condition. This condition is discharged in part by letter dated 3 June 2016 application 160891.

Reason: In order to ensure that the developer provides sufficient facilities within areas of open space around the development such that new residents with dogs can safely dispose of bagged waste in the interest of protecting public health, hygiene and the environment.

30. Removal of permitted development rights

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

19.0 Informatives

(1) 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) 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) Erection of flow control structures or any culverting of an ordinary watercourse requires Consent from the Lead Local Flood Authority which in this instance is Essex County Council.

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

(6) PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

(i) it is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the Public Rights of Way Office, Highways and Transportation Services, Essex County Council, County Hall, Chelmsford, Essex CM1 1QH. The telephone number is 01245 437563.

(ii) The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network. (iii) Where a private means of access coincides with a public right of way, the granting of planning

permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Essex County Council).

- (7) PLEASE NOTE that it is understood that bat roosts exist within the application site. Bats are a statutorily protected species, and it is the developer's responsibility to ensure the requirements of the Wildlife and Countryside Act 1981 which relate to the protection of bats and their roosts are fully complied with.
- (8) This Council asks Essex County Council as local highway authority to agree to the use of LED street lighting as part of the S38 process and to enable the installation of appropriate ducting under footpaths to accommodate future demand for high speed broadband cable without the need for significant civils. (9) In submitting wall/fencing (boundary treatment) detail to the local planning authority the developer is requested to pay particular attention to ensuring that the site's southern and western boundaries are carefully treated to ensure appropriate levels of screening, security and privacy to adjacent residential properties.