



Committee Report

Agenda item

7

To the meeting of **Planning Committee**

on: **5th January 2017**

Report of: **Head of Professional/Commercial Services**

Title: **Planning Applications**

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.

2.0 Synopsis

- 2.1 The key issue explored below is a comparison of the approved design and the proposed amendments.

3.0 Site Description and Context

- 3.1 The application site forms part of a larger area located at the southern end of Rowhedge village and comprises land that formed part of the site of Rowhedge Wharf.
- 3.2 The larger site is flat, roughly triangular in shape has an area of approximately 4.9 hectares and occupies a prominent position within the estuarine landscape, it has a frontage onto the River Colne facing Wivenhoe and also fronts the Roman River at its confluence with the Colne and overlooks part of the Roman River Valley. The larger site shares a short boundary with Rowhedge High Street where there is an existing vehicular access and PROW. The west boundary faces land previously used for industrial purposes including concrete block making and beyond this is an area of former pits where the extraction of gravel took place.
- 3.3 The port activity, involving the loading and unloading of boats, took place along the River Colne frontage. This edge of the site is retained by a raised sheet piled river wall which forms a hard edge to the river. Beyond the concrete working area there is a softer edge to the Roman River comprising small self-seeded trees, grass, salt marsh and mud flats.
- 3.4 Vehicular access to the site is via the haul road which extends from the top end of Rowhedge village at Rectory Road through the pits woodland.
- 3.5 A public rights of way (PROW) extends from the end of the High Street around the river frontages of the site. The PROW at the confluence of the 2 rivers is on a raised earth bank forming the “sea wall” at this point the application site includes a natural grass area containing some small trees approximately 8 metres in width which separates the proposed build development from the PROW. The river side of the PROW includes a promontory of land extending into the salt marsh and mud flat.
- 3.6 The former pits woodland links to a much larger area of woodland known as Donyland Woods. The southeast and east boundaries face the Roman River, salt marsh and mud flats designated as a SSSI.
- 3.7 This application relates to a small part of the Rowhedge Wharf frontage; the specific location is the confluence of the Roman River with the Colne.

4.0 Description of the Proposal

- 4.1 The approved layout for the residential development includes a series of streets radiating out from a central open space leading towards the river frontages. The design concept includes several character areas each with its own distinct architectural approach, features and massing of buildings.
- 4.2 The Rowhedge Zone provides an extension to the High Street. It comprises small linked units using traditional materials and architectural features and reflects the small domestic scale of the houses in Rowhedge. These houses front the river Colne and a public realm space of between 10-30 metres. The Rowhedge character zone includes a community building which is located next to the north boundary. The contemporary zone is proposed at the confluence of the two rivers and provides a transition from the Rowhedge and Roman river zones. The Roman River zone as the name implies fronts the Roman River this character area is arcadian with detached houses, increased space between the buildings and the landscape dominating the public views. The central zone is designed around the central area of open space this space is framed by a 4 storey apartment building and linked 3 storey houses.
- 4.3 Construction on the residential units has commenced and work on the haul road is nearing completion. Planning permission has recently been granted for the erection of 86 dwellings on the site of the commercial buildings adjacent to the wharf land.
- 4.4 This application proposes amendment to the design of 20 units forming the contemporary zone, plots 89 – 108. All other matters including the layout of the units, access, parking and amenity space is unaffected by these amendments.

5.0 Land Use Allocation

- 5.1 The site is within an area shown for predominantly residential purposes on the Proposals Map. The land on the opposite side of the Roman River is within a Site of Special Scientific Interest (SSSI). The pits woodland is protected by a TPO and is identified as a Local Wildlife site.

6.0 Relevant Planning History

- 6.1 Application 144693 Redevelopment of part of former Rowhedge Port to provide 170 dwellings, a potential community facility building (use classes A1, A3, A4, B1, C3, D1), public waterfront area incorporating dinghy park, car park, viewing platform, public facilities, new river walland new slipway, upgrade to access road from Rectory Road, new footpath from access road to existing recreation ground, internal roads, open spaces, drainage, landscaping and all ancillary works. Planning permission was granted on 3rd August 2015.

- 6.2 Application 142437 Proposed modified junction and upgraded access road for the former Hall Road, Road off Rectory Road Rowhedge. Approved 24 June 2014.
- 6.3 Application 160551 Demolition of vacant commercial units and redevelopment to comprise 86 residential units. Approved 16 November 2016.

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:

H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR1 - Regeneration Areas
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA H1 Housing Allocations

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

The Essex Design Guide
External Materials in New Developments
Rowhedge Port Development Brief adopted in 2004

8.0 Consultations

- 8.1 Historic England has been consulted and responded to say they do not wish to offer any comments.

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

9.0 Parish Council Response

- 9.1 East Donyland PC has not responded
- 9.2 Wivenhoe Town Council has stated "This represents an insipid design that instead of paying tribute to and celebrating the local vernacular is precariously balanced between a Disney style faux sail loft and yet another middle England estate build. It is not impossible to build cost effective houses with character, and we would ask the developer to invest more time and effort in good design rather than regurgitating tried uninspired pedestrian housing stock".

10.0 Representations

- 10.1 One letter of objection has been received "The original designs look much better than the replacements to them, these are just copy paste and add nothing to the area. They look like a cost cutting exercise. Hardly conducive to enhancing an area. Since CBC has a policy to encourage good design perhaps this should go before a regional independent design panel for review.

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

11.0 Parking Provision

- 11.1 Parking provision is unaffected by this application.

12.0 Open Space Provisions

- 12.1 The provision of open space is not affected by this application

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that an agreement was required to link this application to application 144693 and its section 106 agreement to secure the same Planning Obligations.

15.0 Report

- 15.1 The only issue to be considered is design. The number of units, layout, scale, height and massing are unaffected. There is no adverse impact on either the surrounding area or neighbouring properties and no amenity or highway issues are raised.

Design

- 15.2 Wivenhoe Town Council were notified of the application as the site faces Wivenhoe across the river Colne. Members will note Wivenhoe Town Council has objected to the design of the dwellings and a resident of Rowhedge has raised similar concerns.
- 15.3 The application relates to part of the Rowhedge Wharf site frontage where the two rivers join and it faces the estuarine landscape of the Roman river. This part of the approved development is described as the “contemporary zone” designs include steep mono pitched roofs elevations have large expanses of glass and materials comprise a range of coloured render and timber weather boarding. The approved scheme was rather frenetic and the revised designs sought a simpler form and a revised palette of materials. The scheme as originally submitted was considered unacceptable and improvements have been negotiated. The amended scheme proposes units with an industrial warehouse feel with an asymmetric roof form large areas of glazing and balconies. The units will be predominantly 3-storey with brick elevations with lower timber clad link buildings.
- 15.4 English Heritage has not commented on the revised design. In fact the revisions which have a warehouse form reflect their comment to the original application suggesting buildings should include simple non domestic forms reflecting the industrial heritage of the site.

16.0 Conclusion

- 16.1 The revisions are considered acceptable the units will have a distinct character in their own right and also complement the development as a whole and adjacent character areas.

17.0 Recommendation

- 17.1 APPROVE subject to the signing of a linking agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the linking agreement is not signed within 6 months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to link this application to the legal agreement for application 144693.
- 17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawings.

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

3 - Non-Standard Condition/Reason – Submission of Flood Response Plan

No works shall take place until a Flood Response Plan including an emergency plan, temporary refuge and rescue or evacuation arrangements has been submitted to and approved in writing by the local planning authority. The approved Plan shall remain in place thereafter. The development shall take place in accordance with the details approved on 5 July 2016.

Reason: To ensure appropriate flood response measures are put in place and thereafter retained.

4 - Non-Standard Condition/Reason – Retention of trees

The trees adjacent to the PROW on the north boundary of the site with the High Street shall be retained during the construction period and shall be removed only with the prior consent of the Local Planning Authority.

Reason: To protect residential amenity during the construction period.

5 - Non-Standard Condition/Reason – Scheme of street lighting to Roman Review

A scheme of street lighting to the Roman River frontage shall be submitted to and approved in writing by the local planning authority prior to installation. The development shall thereafter be completed in accordance with the approved scheme.

Reason: To reduce the risks of any undesirable effects of light pollution.

6 - Non-Standard Condition/Reason – Details of Cross Section

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted 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.

7 - Non-Standard Condition/Reason – Submission of external materials

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.

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

8 - Non-Standard Condition/Reason – Sustainability Statement

Within 3 months of commencement, a Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, setting out how the residential units will be constructed in accordance with the requirements for Energy, Water Efficiency and Sustainable Construction as set out in CSH level 3 documentation.

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

9 - Non-Standard Condition/Reason – Confirmation of Sustainability⁶

Within 3 months of the first occupation of any dwelling hereby approved, written confirmation that the measures set out in the Sustainability Statement have been implemented shall be submitted to the Local Planning Authority.

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

10 - Non-Standard Condition/Reason – Bream Certificate

No works shall take place, to the community building, until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the community building can achieve a final BREEAM rating level of at least Very Good.

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

11 - Non-Standard Condition/Reason – Confirmation of Bream rating

Within 3 months of the occupation of the community building, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

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

12 - Non-Standard Condition/Reason – Refuse and recycling facilities

Prior to the first occupation of the apartments hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

13 - Non-Standard Condition/Reason – Management Company

Prior to the first occupation of the development hereby permitted, details of the Management Company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

14 - Non-Standard Condition/Reason – Removal of permitted development

Notwithstanding the provisions 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 fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse where it fronts onto a public area.

Reason: In the interest of visual amenity and to avoid the site acquiring a cluttered appearance.

15 - Non-Standard Condition/Reason – Details of hard and soft landscaping

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

The Landscape Strategy and Landscape Concept Plan includes elements which are not acceptable and these documents are not approved in their entirety.

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.

16 - Non-Standard Condition/Reason – Landscape Management Plan

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

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

17 - Non-Standard Condition/Reason – Safeguard trees

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

18 - Non-Standard Condition/Reason – Lighting details

Prior to the first occupation/use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for Zone EZ2 (rural, small village or dark urban areas) shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

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

19 - Non-Standard Condition/Reason – Vehicle parking area

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

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

20 - Non-Standard Condition/Reason – Cycle parking facilities

Prior to the commencement of the apartments and community building, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

21 - Non-Standard Condition/Reason – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works. The development shall take place in accordance with the details approved on 21 March 2016.

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 and to ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

22 - Non-Standard Condition/Reason – 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". The development shall be carried out in accordance with the details approved on 9 February 2016.

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

23 - Non-Standard Condition/Reason – Detailed 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. The development shall be carried out in accordance with the details approved on 9 February 2016.

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.

24 - Non-Standard Condition/Reason – Remediation Scheme

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

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

25 - Non-Standard Condition/Reason – Investigation and Risk Assessment

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 22 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 23, 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 24.

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 – Signed certificate to confirm that remediation works have been completed

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 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.

27 - Non-Standard Condition/Reason – Large scale drawing of architectural features

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

Reason: There is insufficient detail with regard to this to protect the special character of the area and the architectural interest and integrity of the buildings.

28 - Non-Standard Condition/Reason – Details of rooflights

The rooflights hereby approved shall be mounted flush with the roof plane.

Reason: In the interests of preserving the character and appearance of the area.

29 - Non-Standard Condition/Reason – Method of piling and timing

No works shall commence until a detailed scheme of the method of piling and timing of these operations has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable method of piling is used to minimise impacts on residential amenities.

30 - Non-Standard Condition/Reason – Scheme of habitat enhancement

No works shall take place until a scheme of habitat enhancement has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To improve biodiversity 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 NPPF. 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'.

31 - Non-Standard Condition/Reason – Flook Risk Assessment

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed: - Finished first floor levels are set at or above 5.4m above Ordnance Datum (AOD). - A scheme for the provision of ground raising shall be submitted and agreed with the Local Council prior to development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

32 - Non-Standard Condition/Reason – Surface water drainage scheme

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- 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 and 1 in 100 year rainfall events, including climate change

- Details of the pipe system performance during a range of tide locking events.
- Details of any exceedance and conveyance routes
- Details of the future adoption and maintenance of the proposed surface water
- scheme for the lifetime of the proposed development.

Reason: To ensure the risk of flooding is not increased on site or elsewhere.

33 - Non-Standard Condition/Reason – Surface Water Mitigation Measures

The surface water mitigation measures approved in discharge to condition 32 shall be fully implemented prior to occupation and subsequently 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.

Reason: To ensure the risk of flooding is not increased on site or elsewhere.

34 - Non-Standard Condition/Reason – Contamination Scheme

Prior to each phase of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified: all previous uses ♦ potential contaminants associated with those uses ♦ a conceptual model of the site indicating sources, pathways and receptors ♦ potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (Alluvium and River Terrace Deposits directly underlying the site and the River Colne adjacent to the site) from potential pollutants associated with current and previous land uses (including the presence of a landfill and former industrial uses as identified in submitted documents) in line with the NPPF (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

35 - Non-Standard Condition/Reason – Remediation Strategy

No occupation of any part or phase of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (Alluvium and River Terrace Deposits directly underlying the site and the River Colne adjacent to the site) from potential pollutants associated with current and previous land uses (including the presence of a landfill and former industrial uses as identified in submitted documents) in line with the NPPF (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

36 - Non-Standard Condition/Reason – Long term monitoring and maintenance plan

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

Reason: To protect and prevent the pollution of the water environment (Alluvium and River Terrace Deposits directly underlying the site and the River Colne adjacent to the site) from potential pollutants associated with current and previous land uses (including the presence of a landfill and former industrial uses as identified in submitted documents) in line with the NPPF (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

37 - Non-Standard Condition/Reason – Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (Alluvium and River Terrace Deposits directly underlying the site and the River Colne adjacent to the site) from potential pollutants associated with current and previous land uses (including the presence of a landfill and former industrial uses as identified in submitted documents) in line with the NPPF (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

38 - Non-Standard Condition/Reason – Piling

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

Reason: To ensure that the proposed development does not cause pollution of the water environment and that development complies with approved details in the interests of protection of Controlled Waters.

39 - Non-Standard Condition/Reason – Foul water strategy

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.

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

40 - Non-Standard Condition/Reason – Construction works

No construction works (especially noisy works such as piling etc) to be undertaken between October and March (inclusive), to avoid disturbance to overwintering birds unless an alternative construction works programme has been submitted to and agreed in writing with the Local Planning Authority in consultation with Natural England.

Reason: To ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

41 - Non-Standard Condition/Reason – New slipway

The proposed new slipway should only be used by non-motorised watercraft, and should not be used during the winter months (October - March inclusive) to minimise disturbance to over-wintering birds. The terms of use of the slipway should be clearly set out within a management plan, which should include details of method to gate and lock the slipway.

Reason: To ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

42 - Non-Standard Condition/Reason – Environment Agency Pollution Prevention Guidelines

The development shall adhere to Environment Agency Pollution Prevention Guidelines, to avoid pollution of adjacent sensitive habitats, during construction and operation.

Reason: To ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

43 - Non-Standard Condition/Reason – 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.

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.

44 - Non-Standard Condition/Reason – Highway amendments

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) A tabled entrance to the road between plots 120 and 168.
- b) A size 3 turning head adjacent plots 31, 32, 45 and 68.
- c) A tabled entrance to the road between plots 36 and 63, 84 and 122 and 128 and 140.
- d) A clear distance of 6 metres between any parking space which abuts the highway and the opposite edge of the carriageway (parking spaces for plots 89, 123, 124 and 125 and visitor spaces outside plots 31, 87, 89 and 108 do not conform to this requirement).
- e) 1.5 metre x 1.5 metre pedestrian visibility splays at all egresses onto the highway.
- f) All houses, walls and/or other solid obstructions located at the edge of the carriageway set back 500 mm to prevent any windows or doors opening onto the adoptable carriageway and to prevent any overflow pipes, single storey eaves, etc. projecting over the net adoptable area of the highway (plots 31, 36, 45, 57, 62, 63, 80, 86, 89, 109, 120, 122 and 129 do not conform to this requirement).
- g) All garages positioned such that the doors do not overhang the highway at any point. 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.

45 - Non-Standard Condition/Reason – Highway Improvements

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

a) Improvements to the existing site access off Rectory Road and carriageway/footway improvements in Rectory Road in the vicinity of the site access and immediately to the east/north-east of it, as shown in principle on the planning application drawings.

b) An access road between Rectory Road and plot 24 as per planning permission reference 142437.

c) A detailed scheme to demonstrate whether or not it is possible to provide a minimum 3 metre wide footpath/cyclepath between the access road and existing recreation ground taking account the constraints of the site.

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.

46 - Non-Standard Condition/Reason – In accordance with the information in the documents accompanying the application

The development shall take place in accordance with the information in the documents accompanying the application including the Environmental Statement, Energy Statement, Foul Sewerage Assessment, Heritage Statement, Open Space Assessment, Planning Statement, River Wall Assessment, Landscape Strategy (as amended), Site Waste Management Plan Transport Statement, Travel Plan, Badger Report and Mitigation, Dormouse Survey, Extended Phase 1 Habitat Survey, Affordable Housing Statement, Great Crested Newt Survey, Hazel Dormouse Method Statement, Statement of Community Involvement, Woodland Management Plan, Street Lighting Assessment, Geo Environmental Assessment, Flood Risk Assessment, Landscape Strategy and Concept Plan (as amended), Refuse Strategy, Health Impact Assessment including any recommendations and mitigations.

Reason: To ensure a satisfactory form of development and to ensure the development takes place in accordance with the submitted information to mitigate any adverse impacts.

47 - Non-Standard Condition/Reason – Travel Pack

Prior to the first occupation of the development, the developer shall be responsible for the provision of a Travel Pack to each dwelling the content of which shall have been previously submitted to and approved, in writing, by the Local Planning Authority.

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

A3 Restaurant Café

48 - Non-Standard Condition/Reason – level of noise

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

49 - Non-Standard Condition/Reason – Sound Insulation

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

50 - Non-Standard Condition/Reason – Control of fumes, smells and odours

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

51 - Non-Standard Condition/Reason – External lighting fixtures

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details. Reason: To reduce the risks of any undesirable effects of light pollution.

52 - Non-Standard Condition/Reason – Grease traps

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

53 - Non-Standard Condition/Reason – Refuse and re-cycling storage facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

54 - Non-Standard Condition/Reason – Disposal and litter collection

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order. Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

55 - Non-Standard Condition/Reason - Deliveries

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07.30 - 20.00

Saturdays: 07.30 - 20.00

Sundays and Public Holidays: None at all

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

A1 – Shops

56 - Non-Standard Condition/Reason – Level of Noise

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

57 - Non-Standard Condition/Reason – Refuse and recycling storage facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

58 - Non-Standard Condition/Reason – Disposal and collection of litter

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order.

Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

59 - Non-Standard Condition/Reason – Externally illuminated sign

Any externally illuminated sign shall comply with the guidelines in the current "Institution of Lighting Engineers Guidance TR5 Brightness of Illuminated Advertisements".

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

60 - Non-Standard Condition/Reason – Deliveries

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07.30 - 20.00

Saturdays: 07.30 - 20.00

Sundays and Public Holidays: None at all

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

A4 Use

61 – Non Standard Condition/Reason – Rating level of noise

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

62 – Non Standard Condition/Reason – Refuse and recycling storage facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

63 – Non Standard Condition/Reason – Refuse and recycling storage facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

64 – Non Standard Condition/Reason – External lighting fixtures

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

65 – Non Standard Condition/Reason – Externally illuminated sign

Any externally illuminated sign shall comply with the guidelines in the current “Institution of Lighting Engineers Guidance TR5 Brightness of Illuminated Advertisements”.

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

66 – Non Standard Condition/Reason – Deliveries

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07.30 - 20.00

Saturdays: 07.30 - 20.00

Sundays and Public Holidays: None at all

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

67 – Non Standard Condition/Reason – Internal amplified sound

Prior to the first use or occupation of the development hereby permitted, the level of internal amplified sound shall be restricted by the installation and use of a noise limiting device that complies with details that shall have been submitted to and agreed, in writing, by the Local Planning Authority. Thereafter, such devices shall be retained and operated in accordance with the approved specification and working order at all times.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise and disturbance from amplified noise, as there is insufficient information within the submitted application.

68 – Non Standard Condition/Reason – Self closing doors

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing doors and shall be maintained as such, and kept free from obstruction, at all times thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

69 – Non Standard Condition/Reason – Control of fumes, smells and odours

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

B1 – Use

70 – Non Standard Condition/Reason – Rating level of noise

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

71 – Non Standard condition/Reason – Rating level of noise emitted

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

72 – Non Standard Condition/Reason – Sound Insulation

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

73 – Non Standard Condition/Reason – Control of fumes, smells and odours

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme devised by a competent person for the control of fumes, smells and odours, and dust that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. The control measures shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes, odours, dust, and smell in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

74 – Non Standard Condition/Reason – Refuse and recycling storage facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

D1 Use

75 – Non Standard Condition/Reason – rating level of noise

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

76 – Non Standard Condition/Reason – Sound Insulation

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

77 – Non Standard Condition/Reason – Refuse and recycling storage facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

78 – Non Standard Condition/Reason – Lighting of any Public Highway

The lighting of any public highway within the development site shall be agreed in writing with the Local Planning Authority in consultation with the Highway Authority prior to its installation. The lighting shall be LED lighting or an acceptable alternative agreed in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of sustainable development and to reduce the impact of the street lighting within the development site and the adjacent protected landscape.

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 and be investigated by our enforcement team. **Please pay particular attention to these requirements**. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

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

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

All highway related details should be agreed with the Highway Authority.

The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date

(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: a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co- operation in taking the site notice down and disposing of it.