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Item No: 7.5

Application: 191414

Applicant: Mr Andrew Owen, Crest Nicholson

Proposal: Erection of 49 dwellings and associated parking and landscaping (Modifications and reduction in built footprint of last phase for 40 units of approved planning application 130245). Please see Planning Statement and Design Statement for more information.

Location: former Wilkins & Sons Ltd, Wilkin And Sons Ltd, Factory Hill, Tiptree, Colchester, CO5 0RF

Ward: Tiptree

Officer: Eleanor Moss

Recommendation: Approval subject a legal agreement being signed.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because This application is referred to the Planning Committee because it is a major application and material objections have been received.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of residential use, access arrangements and highway impact and impacts on the amenity enjoyed by adjoining residential occupiers.
- 2.2 The scheme provides an uplift of 9 no. dwellings from a previously approved scheme (130245) which is currently under construction. This is in order to replace larger homes with smaller units on site. Given this, there is an overall reduction in the overall built form footprint.
- 2.3 This report concludes that the proposed development represents sustainable development' as promoted in the National Planning Policy Framework (NPPF) and as such the application is subsequently recommended for approval subject to a S106 Agreement to secure the specific mitigation of development impacts and appropriate conditions.

3.0 Site Description and Context

- 3.1 The Wilkin & Sons landholding is on the south-eastern edge of Tiptree, 10 miles south-east of Colchester. This application site is to the north-east of Factory Hill. Planning permission has previously been granted for this site under 130245, this permission is currently under construction. The remainder of the site consists of Birch Woods with a reservoir in the middle.
- 3.2 To the north and west of the site are existing residential properties. Across Factory Hill is the existing Wilkin & Sons factory complex, whilst the remainder of the surroundings comprises open country (for the most part agricultural, but also comprising fruit trees and plants.
- 3.3 In addition to this, it is important to state that the land at the southern edge is between five and ten metres lower than the land at the top.

4.0 Description of the Proposal

- 4.1 Erection of 49 dwellings and associated parking and landscaping (Modifications and reduction in built footprint of last phase for 40 units of approved planning application 130245).
- 4.2 Despite the uplift in unit numbers, the overall built footprint has been reduced when compared to the approved layout, as a result of the changes.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 The most relevant planning permission relates to 130245. This granted permission for 126 units. The mixture was broken down into:

- 119 houses (4 x 1-bed, 8 x 2-bed, 55 x 3-bed, 52 x 4-bed) and
- 8 flats (5 x 1-bed, 2 x 2-bed).

6.2 The submitted scheme will result in a net addition of 9 no. units when compared with the extant planning permission for the site. The addition of these dwellings would result in minor alterations to the layout of the final phase

6.3 The proposed development will comprise:

- The construction of 49 no. dwellings and associated parking and landscaping;
- A mix of 2, 3 and 4 bed houses.

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

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

ENV2 - Rural Communities

ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP22 Dedham Vale Area of Outstanding Natural Beauty
DP23 Coastal Areas
DP25 Renewable Energy

- 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 TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

- 7.5 The Draft Neighbourhood Plan for Tiptree is also relevant.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
Planning Out Crime

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 **Landscape Advisor** - there are no objections to this application on landscape grounds. The following condition(s) is/are recommended.

Standard:

ZFE – Landscape management plan

Bespoke:

Z00 – No groundworks 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.).
- 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.
- 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.

8.3 **Archaeological Advisor** - There will be no requirement for any archaeological investigation as there was no condition relating to archaeology attached to the outline planning consent (no. 130245).

8.4 **Contamination Officer** – It is noted that a contamination report has been submitted in support of this application. This report has previously been reviewed in connection with an earlier application. This report concludes that further intrusive investigation was required and a proposed scope was submitted (see emails, attached). No further information has been received with respect to the outcome of these proposed investigations.

In addition, given that 7 years has now elapsed since the submitted report was drawn up, we would expect to be in receipt of additional assessment of risks associated with any new uses of the site with the potential to be contaminative.

However, based on the informative provided to date, it would appear that the site could be made suitable for the proposed use. Consequently, should this application be approved, Environmental Protection would recommend inclusion of the following conditions:

ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

ZG3 - *Validation Certificate*

- 8.6 **Arboricultural Officer** - There does not appear to be any change that impacts trees. The tree protection plan should be updated to reflect the current proposal and then conditioned as such.
- 8.7 **SuDs** – No objection subject to recommended conditions.
- 8.8 **Highway Authority** – Provided the development is carried out in accordance with planning application drawing number 19-2880-002 Rev. L and that were planning permission to be granted it would be linked to the S106 agreement and conditions for planning permission 130245, from a highway and transportation perspective the Highway Authority has no comments to make on the proposal.
- 8.9 **Environmental Protection** –
ZPA – Construction Method Statement
No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:
the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction; and
a scheme for recycling/disposing of waste resulting from demolition and construction works.
Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.
ZPD - Limits to Hours of Work
No demolition or construction work shall take outside of the following times;
Weekdays: 08:00-18:00
Saturdays: 08:00-13:00
Sundays and Bank Holidays: No working.
Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

8.10 EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated)

8.11 North East Essex Badger Group -

We can confirm that there is a large well established badger sett locally placed to the site location area and therefore it is possible that badgers use the land for foraging. Should this Application be approved we would ask, in the first instance, care should be taken when clearing the whole of the area before building work commences and secondly, would suggest that once work begins, any open excavations are covered at night to avoid badgers falling in and becoming trapped

8.12 Forestry Commission -

Thank you for consulting the Forestry Commission on this application as non-statutory consultees on developments within 500 metres of a development, we are aware that this is only regarding the modifications however, the impact on Birch Wood is of interest to us. As far as we can determine Birch Wood the Ancient Woodland to the North east of the development has been considered and the modifications do not affect the wood we also welcome the proposal to develop a management plan. We take this opportunity to reiterate the need to consider impacts of the construction phase and remind developers that whilst direct impact is unlikely (construction materials and equipment should be kept out of the wood during development) dust and light may still have an impact so how the construction is managed is important. Potential impacts can be assessed using the assessment guide on the Standing Advice page on the Government website, <https://www.gov.uk/guidance/ancient-woodland-andveteran-trees-protection-surveys-licences>, protection of Ancient Woodlands was strengthened last year in the NPPF.

9.0 Parish Council Response

9.1 Tiptree Parish Council has stated the following:

Tiptree Parish Council objects to this application on the grounds that there is a requirement for more 1 and 2 bedroomed properties to create a better balance and that the properties should be set back from the road in order to reflect the village landscape.

10.0 Representations from Notified Parties

10.1 The application resulted two letters of objection being received. 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.

- Impact upon residential amenity
- Impact upon covenant
- General objection against additional housing due to lack of infrastructure.

11.0 Parking Provision

11.1 All dwellings are provided with car parking in line with the Essex Planning Officers' Association Vehicle Parking Standards SPD, providing a total of 128 spaces within the Site. Cycle storage provision will also be provided for each dwelling.

12.0 Accessibility

12.1 The submitted Design & Access Statement sets out how duties under the Equalities Act are addressed

13.0 Open Space Provisions

13.1 The open space provision has been addressed in the originally approved application and there is no change to this. An area of 2.78 ha for informal outdoor use is proposed in the south-eastern half of the site, this will also contain a children's play area. In addition, a further area of 0.74ha is "available on an informal basis for the public to have access to" although the applicant will maintain ownership.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. The original application agreed the following contributions:

- Affordable Housing (16 units);
- Open space provision (land to the south of the housing site subject to application 130245, parcels on the housing site subject to application 130244, allotments, access to Birch Woods, play equipment provision);
- Monies to the Health Authority (£83,657);
- Transfer of the Factory Hall to the Parish Council;
- A site for a dentist surgery;
- A travel plan (for the factory)

15.2 The Obligations that would be agreed as part of this planning permission would be:

- One affordable dwelling as an offsite contribution, this to be a three bed as the majority of dwellings out of the additional 9 are family dwellings (3 x three bed and 2 x four bed). A commuted sum will be provided.

16.0 Report

Principle of Development

- 16.1 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Tiptree and is identified in the Site Allocation Plan as predominately residential use. Given this, the proposal is considered to be acceptable in principle.

Design and Layout

- 16.2 Core Strategy policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 16.3 The site comprises three distinct parcels: To the north west is the housing, to the south-south east the open space and children's play area and allotments, and to the far north-east is Birch Wood.
- 16.4 The housing scheme retains the existing layout of the previously approved scheme (130245), there is a main spine road snaking through north-eastwards from Factory Hill and breaks down into four definable areas punctuated by an avenue of development mainly along the north-western edge.
- 16.5 The scheme has undergone revision over the course of the planning application in order to achieve good design in terms of creating connectivity, improved layout, appropriate scale, form and architectural detailing. The revised scheme is considered to be consistent with the previously approved development which has now begun construction.
- 16.6 The chosen materials follow the pallet of materials from the original permission, with coloured smooth render white cement fibre boarding red multi clay stock bricks, plain tiles and pantiles and blue/black reconstituted slates.
- 16.7 Street frontages have been revised to achieve continuity of frontage and avoid a formulaic approach in order to create interesting street scenes. Architectural detailing, such as (but not limited to) depths of reveals to windows and depth of reveals of doors and exposed rafter feet are all required to be conditioned to ensure acceptable finishing, as are facing and roofing materials.
- 16.8 The proposed development meets the Council's adopted amenity, privacy and parking standards and policy DP 12 and DP16 are met.

Scale, Height and Massing

- 16.9 The development comprises residential dwellings of traditional domestic design, scale and massing. The majority of the units are houses comprising detached, semi-detached or small rows of linked units. The houses are all 2 storeys in height. Garages are all proposed as single storey in height. This retains the design rationale of the originally approved development.

Impact on the Surrounding Area

- 16.10 Given the originally approved development is under construction, the proposed dwellings on site would not have a materially harmful impact upon the character of the surrounding area. An existing line of hedgerow (on the majority of the south-eastern boundary of the proposed open space) together with additional proposed planting will assist in a softer transition between the built form and open country.

Impacts on Neighbouring Properties

- 16.11 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 16.12 Given the location, the effect on residential amenity is negligible in terms of overshadowing, lost outlook and privacy. The proposed houses are oriented and fenestrated such that no first-floor habitable room windows are facing other dwellings in a way that is held to be unsatisfactory.

Highway Issues

- 16.13 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. The NPPF provide guidance on transportation matters, including that application should only be refused on highway grounds if the impact (on safety or capacity) is severe.
- 16.14 Given that proposal will provide for the required visibility splays (these do not vary from the originally approved scheme), the proposed scheme is not considered to have a severe impact on the local highway either in terms of highway safety or capacity and accords with planning policies which seek to improve accessibility and changes in travel behaviour. The Highways Authority does not raise any concerns in relation to the proposal, and as such is considered to be acceptable in terms of highways safety.

- 16.15 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which is an adopted SPD (November 2009). This policy requires that a minimum of two parking spaces should be provided for each dwelling of two or more bedrooms.
- 16.16 The revised scheme provides parking in accordance with the aforementioned policy and SPD and as such the proposal is considered to accord with the requirements.

Drainage SUDS

- 16.17 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of the site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. It is still important, however, to assess whether/how the development could affect flood risk elsewhere.
- 16.18 A Flood Risk Assessment and Drainage Strategy Report has been submitted with the application and both Essex County Council SUDs (as Lead Local Flood Authority) and Anglian Water have been consulted. Essex County Council SUDs have confirmed that they have no objection to the proposal subject to conditions to secure a detailed surface water drainage scheme and a surface water drainage maintenance and management plan. This is considered appropriate in order to mitigate any impacts in terms of surface water run-off and flooding and accords with the previously approved scheme (currently being constructed).

Landscape/Ecology

- 16.19 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.
- 16.20 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to

demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.

- 16.21 The ecological report concludes no part of the proposed development site has any type of statutory or non- statutory conservation designation. The proposal retains the approved road layout and pedestrian accesses with an integrated public square and associated landscaping which will respond to the character of the area. Tree protection measures remain the same as the previously approved application. The proposed development site is within a zone of influence for Abberton Reservoir S.P.A. - RAMSAR site, Essex Estuaries Special Area of Conservation, and Colne Estuary S.P.A. The proposed development will not reduce the size or conservation status of these designated sites, nor affect their management regimes or future ecological potential. The proposed development area does not create new access to these Natura 2000 sites.
- 16.22 The proposed development could however have some minor recreational/disturbance impact alone or when considered alongside other new developments within the same zone of influence for these Natura 2000 Sites and so is subject to a Habitat Regulations Assessment (H.R.A.). Natural England advise that a suitable contribution to the emerging Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) would enable the local authority to be able to reach a conclusion of “no likely significant effect” - and addressing the need for the suggested H.R.A. The legal agreement will secure the RAMS contribution.

17.0 Conclusion

- 17.1 The NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as establishing new residential development where residents can readily utilise and support nearby businesses, services and facilities. The social role of sustainable development is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives. Members are recommended to resolve to grant planning permission subject to the conditions set out below.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

18.2 APPROVAL of planning permission subject to:

- Agreement with the Agent/Applicant to the pre-commencement conditions under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and delegated authority for officers to make changes to the wording of conditions as necessary;
- 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 deliver the obligations set out at paragraph 15.3. 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; and

18.3 The Permission being subject to the following 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 Drawing Numbers:

19-2880-017 951 REV D
19-2880-001 REV A
19-2880-002 REV L
19-2880-003 REV C
19-2880-004 REV D
19-2880-005 REV D
19-2880-006 REV E
19-2880-009 REV E
19-2880-010 1287 REV C
19-2880-011 1287 REV D
19-2880-012 1178 REV C
19-2880-013 1171 REV C
19-2880-014 976 REV D
19-2880-015 976 REV B
19-2880-016 951 REV D
19-2880-018 895 REV D
19-2880-019.5 895 REV C
19-2880-020 698 REV D
19-2880-021 1384 REV C

19-2880-021.5 1384
19-2880-030 REV C
19-2880-031 REV A
19-2880-032 REV B
19-2880-033 REV A
19-2880-034 REV B
19-2880-035
2031-14 REV C

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3 – Non Standard Condition - Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall have been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

4 – Non Standard Condition - Limits to Hours of Work

No demolition or construction work shall take outside of the following times:

Weekdays: 08:00 to 18:00

Saturdays: 08:00 to 13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

5 - Non-Standard Condition/Reason - Lighting

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply 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.

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

6 – Non Standard Condition - 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.

7 – Non Standard Condition - Landscaping

No groundworks 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.
- 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.).
- 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.
- 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.

8 – Non Standard Condition - SuDs

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SuDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- It should be demonstrated that water quality treatment is sufficient for all water leaving the site as outlined by the simple index approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

9 – Non Standard Condition - SuDs

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

10 - SuDs

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

11. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:

human health,
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

12. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

13. ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

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

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

14. ZG0 – Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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

15. ZG3 - *Validation Certificate*

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 14.

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

16 - Non Standard Condition - Retention of garages

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.

17 – Non Standard Condition - Boundary Walls/Fences

Prior to the commencement of development a scheme of boundary walls and fences at least 1.8 metres in height to screen rear gardens shall be submitted to and approved in writing by the local planning authority. The approved walls and fences shall be erected prior to the occupation of any residential unit and shall thereafter be maintained.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise.

18 - Non Standard Condition - Materials To Be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these 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.

19. Non Standard Condition - Tree and Natural Feature Protection: Protected Areas

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

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

20. Non Standard Condition - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

21. Non Standard Condition - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

22. Non Standard Condition - Vehicle Parking

Prior to the first occupation 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.

23 - Non Standard Condition - Cycle parking

Prior to the development hereby permitted coming in to use, 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. To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

24 - Non Standard Condition - Ecological Mitigation and Management Plan (EMMP)

Prior to the commencement of development an Ecological Mitigation and Management Plan (EMMP) including an Implementation Timetable shall be submitted to and approved in writing by the local planning authority. The EMMP shall include, but not be limited to, the proposed mitigation detailed in the submitted Ecological Assessment including the additional survey work identified in the document. The development shall then be carried out and maintained in accordance with the approved EMMP.

Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

25. Non Standard Condition - Car Electric Charging Points

The development hereby approved shall be provided with at least 1 No. electric vehicle (EV) charging point per dwelling with dedicated parking and at a rate of at least 10% provision for unallocated parking spaces. The EV charging points shall be installed prior to the first occupation of their respective dwellings.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

26. Non Standard Condition - Architectural Detailing

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings (at scales between 1:20 and 1:1) that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to window detailing (including details of the depth of reveal and any dormer features); rooflights to be used; recessed/projecting brickwork and cladding; and any eaves, verge, ridge, and guttering details. The development shall then be implemented in accordance with the approved drawings.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high-quality design in the interests of visual amenity.

27. Non Standard Condition - Refuse and Recycling Facilities

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

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

28. Non Standard Condition - RAMS Mitigation

Prior to the commencement of development a detailed mitigation scheme to demonstrate the development secures full adherence with the Essex Coast RAMS shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with an agreed timetable.

Reason: To ensure the development does not have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

29. Z1A – Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

2.ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

3..ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4. Non Standard Informative – SuDs

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

The LLFA will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

5. Non Standard Informative – Landscaping

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).'