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**Item No:** 7.2

**Application:** 192777

**Applicant:** Amphora Homes

**Agent:** Mr Lee Spalding, CBC

**Proposal:** Redevelopment of garage site to create 6no. 2 bedroom flats to provide additional affordable housing.

**Location:** Garage site, Buffett Way, Colchester

**Ward:** Greenstead

**Officer:** Nadine Calder

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Amphora Homes Limited on behalf of Colchester Borough Council with Colchester Borough Homes as the agent.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the principle of the proposal, the design, scale and form, its impact on neighbouring amenity in terms of outlook, light and privacy and provision of parking. These matters have been considered alongside planning policy requirements and other material matters, leading to the application being subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site lies within the defined settlement limits for Colchester. It currently accommodates a flat-roofed block of eight garages which are offered for rent (managed by Colchester Borough Homes). The garages are staggered due to the land falling from north to south. The garages appear to be in a reasonable state of repair. The remainder of the site is used as unallocated open parking spaces.

## **4.0 Description of the Proposal**

- 4.1 The proposal includes the demolition of the garages and construction of 2no. three-storey blocks of flats that are linked by a central communal entrance. Both blocks would provide 3no. 2-bed flats each, resulting in a total of 6no. 2-bedroom flats with associated landscaping, parking and private amenity provision. The proposal is to be 100% affordable and would be owned by Colchester Borough Council and managed by Colchester Borough Homes.

## **5.0 Land Use Allocation**

- 5.1 The site lies within the defined settlement limits for Colchester but has no other allocation.

## **6.0 Relevant Planning History**

- 6.1 There is no planning history that is particularly relevant to this proposal. The proposal was however the subject of preliminary discussions over the summer of 2019 which helped informing the final scheme.

## **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

UR2 - Built Design and Character

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

DP12 Dwelling Standards

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access

DP19 Parking Standards

7.4 The site does not lie in a Neighbourhood Plan area.

7.5 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.

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

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

## **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 The Arboricultural Officer is in agreement with the proposal and the supporting tree report provided subject to conditions.
- 8.3 The Contaminated Land Officer does not object to the proposal subject to a conditions.
- 8.4 Environmental Protection raise no objection to the proposal subject to a condition requesting a Construction Method Statement prior to commencement of the works.
- 8.5 The Landscape Officer has asked for a number of points to be taken into consideration when finalising the landscape scheme. These include a native hedge to the southeast rear boundary of the site atop the existing low brick wall to help filter views of the development from public viewpoints within the Salary Brook landscape to the east of the site and a privacy screen to the southeast rear boundary to offset any potentially detrimental views of the private rear gardens on public viewpoints whilst the hedge matures.
- 8.6 The Highway Authority states that the proposal would not have an adverse impact from a highway and transportation perspective subject to conditions.

## **9.0 Parish Council Response**

- 9.1 This area is non-parished.

## **10.0 Representations from Notified Parties**

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

10.2 One letter of representation was received supporting the principle of utilising underused land for the provision of affordable housing. The author however criticised the design ambition of the scheme and listed a number of ways how the scheme could be more energy efficient, such as installation of solar panels, providing only showers within the flats, installing electric vehicle charging points and rainwater harvesting for WC's.

10.3 In addition to the above, four letters of objection were received. The main reasons for objecting can be summarised as follows:

- Extension of Avon Way House has caused noise and access problems as well as antisocial behaviour due to break ins at the building sites;
- Parking is a constant issue with students and contractors parking in resident spaces;
- Access to garages and bin storage gets blocked;
- On-street parking causing issues as a result of Buffett Way becoming one way road;
- Removal of garages will leave those using the garages with no parking;
- Adding six new flats will reduce the number of open space for parking and creating an even bigger issue with parking;
- Under provision of parking on the site;
- Site is currently used for parking; and
- Site is not big enough or suitable for new housing.

## **11.0 Parking Provision**

11.1 The Vehicle Parking Standards SPD, to which Development Policy DP19 refers, provides the parking standards for residential development. The adopted standard for dwellings of two or more bedrooms is a minimum of two car parking spaces per dwelling; and a minimum of one secure covered cycle space per dwelling (unless a secure area can be provided within the curtilage of the dwelling). Visitor car parking is also required: 0.25 spaces per dwelling (rounded up to the nearest whole number). The adopted policy confirms that "a lower standard may be acceptable or required where it can be clearly demonstrated that there is a high level of access to services, such as a town centre location".

11.2 The proposal provides one parking space per dwelling and does not include visitor parking. The scheme also affects tenanted garages. This aspect will be further assessed in the main body of the report (paragraphs 17.14 – 17.20).

## **12.0 Accessibility**

- 12.1 With regards to the Equalities Act and compliance with policies DP12 and DP17 that detail requirements in terms of accessibility standards the proposal includes level access to the primary entrance with the dwellings following the general principles of Lifetime Homes. As the development will be owned and managed by Colchester Borough Homes there is the scope and budget to manage the units in accordance with the needs of the occupants.

## **13.0 Open Space Provisions**

- 13.1 The proposed dwellings have adequate amenity space overall.

## **14.0 Environmental and Sustainability Implications**

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.
- 14.2 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.3 The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application represents sustainable development.

## **15.0 Air Quality**

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

## **16.0 Planning Obligations**

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

## 17.0 Report

### Principle of Development

- 17.1 The application site lies within the built-up urban area for Colchester and a predominantly residential area where development such as that proposed is considered to be acceptable in policy terms subject to the development satisfying all other aspects of the Development Plan. These are assessed in detail in the following paragraphs.

### Affordable Housing Need

- 17.2 Providing more affordable homes is a key corporate strategic priority of the Council, because of the unmet demand that exists. To this extent, the Council has set up a Housing Company, Colchester Amphora Homes Limited (CAHL), to develop mixed-tenure housing schemes with 30% affordable homes alongside private sale property. CAHL have also been appointed to deliver 100% affordable housing on a number of sites, including the development of garage sites.
- 17.3 This application is one of several submitted concurrently by CAHL for affordable housing on under-used Council owned, Colchester Borough Homes (CBH) managed garage sites. These applications are the result of ongoing work by the Council to find innovative ways of enabling more affordable housing to be built, in line with stated Council priority objectives.

### Design, Layout and Impact on Surrounding Area

- 17.4 At the heart of the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and the NPPF indicates that new development should respond to local character and should reflect the identity of its surroundings. This is reflected in Development Policy DP1 and Core Strategy Policy UR2. These policies state that all proposals should be well designed, having regard to local building traditions, and should be based on a proper assessment of the character of the application site and the surrounding built and natural environment.
- 17.5 The proposed development would be slightly set back from the established building line created by development along Buffet Way to the south west of the site and the development at Avon Way House directly to the north east of the site which would leave a generous amount of private amenity area to the rear and provide parking to the front of the site. Development within Buffett Way together with the original Avon Way House development is of very traditional appearance, comprising brick built, three storey blocks of flats with very shallow pitched roofs and gables to the sides. Whilst the proposed development is of brick build, a more modern design approach has been adopted, by incorporating horizontal cladding for the link element and grey powder coated aluminium windows. This would somewhat interrupt the otherwise consistent design approach of development immediately surrounding the site. However, a more contemporary approach to development within the area was accepted for the

additional student accommodation at Avon Way House which is under construction (substantially completed) and now forms an integral part of the street scene. Block D will be read in context with the proposed development on the application site. Given its close proximity to the site, this introduces a flat roofed building of a more modern appearance. It is also considered that the design of the neighbouring buildings are now somewhat dated and the introduction of modern features and materials on the proposed development would create added visual interest. The visual amenity of the surrounding area would therefore be enhanced, and this would clearly outweigh the slight harm that would be caused by the proposal not repeating existing established design principles and materials used on the adjoining sites. The design of the proposed development therefore complies with paragraph 131 of the NPPF which makes it clear that great weight should be given to proposals that help raise the standard of design in an area, so long as they fit in with the overall form and layout of their surroundings. As a result, it is considered that the proposal is acceptable in terms of its overall design, appearance and visual impact on the surrounding area.

#### Impact on Neighbour Amenities

- 17.6 The proposed development would be located amongst existing residential development. Consideration needs to be given as to how the proposal would affect the occupants of nearby residential properties in terms of any loss of light, privacy and overbearing impacts.
- 17.7 The proposed building is deeper in plan than the existing buildings in Buffett Way. Being positioned slightly behind the front of Buffett Way means that the building would project beyond the rear wall of the neighbouring property, which includes Nos. 1, 3 and 5 Buffett Way. The design of the proposed development has evolved significantly compared to the initial design and this is having been secured to address the impacts the development would have caused on the amenities of the neighbours at 1, 3 and 5 Buffett Way. The building is now positioned in a way that does not cause significant overbearing impacts on the outlook of neighbouring occupiers. The Council policy sets out that a 45-degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and this proposal satisfies this requirement. There are also no concerns regarding loss of light. The combined plan and elevation tests are not breached, and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide. The proposal does include three windows in the flank wall facing the neighbouring site, however, these windows would serve bathrooms and would be obscure glazed and top hung to avoid affecting the privacy of neighbouring occupiers. It should also be noted that there is an existing mature tree along the boundary of the site, which is in very close proximity to the corner of the neighbouring building. This tree will currently cause some impact on the neighbouring occupiers albeit on a small scale. This tree is proposed to be removed and the outlook of neighbouring occupiers, and to some degree the amount of light their back rooms receive, should therefore be slightly improved. On this basis, it is concluded that the proposal would not cause any material harm to the amenities of neighbouring occupiers in Buffett Way.



- 17.8 Turning to the neighbours to the east, students in Block D, it is noted that the first part of this development does not benefit from any windows in the flank wall facing the application site and this would therefore ensure that the proposed development would not cause any harm in terms of loss of light or appearing overbearing on the outlook of neighbouring occupiers. Due to the position of the proposed development, there would be some impact on the element to the rear of Block D, which is positioned on lower ground and further away from the boundary than the main element. The neighbouring development, as well as the current proposal, is of three storeys and each floor comprises two windows in the elevation facing the application site that would be impacted by the proposal. The windows affected are a communal kitchen window and a bedroom window on each floor and another three bedroom windows in the rear elevation of the main element of Block D, adjacent to the stepped in rear projecting element. There are limited concerns in terms of the impact on the kitchen, as this is not classed as a habitable room, however, with the other windows being the only windows into the student's bedrooms, there are some concerns in terms of overbearing impacts and loss of light. This is due to the fact that the 45 degree angle of outlook, as set out above, is not fully respected and the proposed development would therefore reduce the outlook of the student accommodation to some degree. There may also be limited loss of light to this accommodation. There are a number of mitigating factors that will have to be taken into consideration and these include that a development cannot expect to unconditionally borrow light from a site that is outside of their control and which would effectively preclude development happening on this site. It is also considered that the orientation of the window helps as it is south/south-west facing, thus ensuring that the window benefits from an adequate exposure to daylight. On balance, it is therefore considered that the limited harm the development could cause to the three student accommodation units within Block D would not be sufficient enough to justify a refusal.
- 17.9 It should be noted that there would also be some impact on the privacy of future occupiers of the proposed scheme, as the side windows referenced above in Block D would provide views into the communal garden area. It may be possible to provide mitigation measures in the form of boundary treatment as part of a formal landscaping scheme to mitigate some of this impact. Notwithstanding this, it would be unreasonable to refuse permission as a result of the development causing limited harm to the amenities of future occupiers of the proposed scheme as this is a known issue and as such, it is the Council's responsibility to address this matter when allocating the dwellings to new tenants.

- 17.10 On the basis of the above, it is concluded that the proposed development does not cause any such material harm to the amenities of neighbouring occupiers of sufficient magnitude that would warrant a refusal.

#### Parking and Highway Safety

- 17.11 The adopted standard for new residential development with two or more bedrooms is a minimum of two car parking spaces per unit and a minimum of one secure covered cycle space (unless a secure area can be provided within the curtilage of the unit). Visitor car parking is also required at 0.25 spaces per unit (rounded up to the nearest whole number). The proposal would therefore require a total of 14no. parking spaces. The Proposed Layout Plan indicates that six parking spaces would be provided. Consequently, there is an under provision of eight parking spaces from the adopted standard.
- 17.12 The application site lies within the defined settlement limits for Colchester and in a sustainable area where existing residents and future occupiers of the proposed development are able to access sustainable transport modes within a short walk from the site. There are a number of bus stops along Avon Way which provide frequent services to the town centre, North Station and Essex University. The adopted Vehicle Parking Standards allow for reductions of the vehicle standards to be made if the development is within an urban area that has good links to sustainable transport. This is considered to be the case in this instance.
- 17.13 In addition to the above, the Design and Access Statement makes reference to a recent survey that was conducted by CBH in order to establish current parking arrangements and vehicle ownership. According to their figures, this study established that:
- Only 14 out of 55 respondents currently rent garages;
  - Only 27 out of 55 respondents currently use parking areas; and
  - The vehicle ownership is 34 amongst the 55 respondents.
- 17.14 Furthermore, the proposed scheme affects tenanted garages. The proposal results in the loss of eight garages. The garages are unallocated to local residents. They are managed by CBH and are rented out. The remainder of the site is used by local residents for unallocated open parking. Information submitted by CBH, as the managers of the garages, states that seven out of the eight garages are rented out. However, it is not known whether these garages are used for the purposes of parking or storage. The worst case scenario would be that a total of seven cars could be displaced, however, based on survey evidence it is more likely that this number would be less.
- 17.15 It is noted that the application has attracted objections from local residents on parking grounds. Some of the comments raised relate to construction traffic vehicles and students parking within the site and the residential area. The site is currently used as open parking but these spaces are unallocated. It would not formally result in the loss of parking, as the area is not officially allocated for parking purposes. Construction vehicles should not be parking

in this area and neither should students as they have their own spaces allocated. These are matters that will have to be taken up with the development adjacent to the application site. Construction is an inevitable part of any development and whilst not ideal, with the development at Avon Way House coming to an end, residents should experience a reduction in cars parked in Buffett Way. This will relieve some of the existing parking stress. Additionally, whilst students have allocated parking spaces within the Avon Way House site, the absence of parking restrictions (such as residents permits or double yellow lines) does not make the parking of cars for those not resident in Buffett Way unlawful. Notwithstanding this, it is anticipated that when the development on the neighbouring site is completed (which should be soon), this should free up spaces within the site and students should no longer (have to) park within Buffett Way.

- 17.16 For these reasons, it is considered that there is sufficient space within Buffett Way for the maximum of seven cars that will have to be displaced as a result of the proposed development.
- 17.17 Having regard to the above, it is concluded that, on balance, the sustainable location of the site in this instance justifies and mitigates a lower level of parking provision and the development is not considered to worsen such significant parking stress to the area such that would warrant a refusal on this ground.

#### Private Amenity Space

- 17.18 Development Policy DP16 requires that all new residential development shall provide private amenity space to a high standard, with secure usable space that is also appropriate to the surrounding context. Garden size standards for flat developments require a minimum of 25m<sup>2</sup> per flat provided communally (resulting in a total of 150m<sup>2</sup> being required). The Proposed Layout Plan indicates that this requirement will be met as it shows a total of 208m<sup>2</sup> of private amenity space plus additional outdoor space for each flat by means of a private balcony. It is also acknowledged that the garden area is reflective of other gardens within the locality and therefore appropriate in its context. The submitted layout plan clearly shows that the development provides not only policy compliant private garden space but that the proposed spaces and arrangement are reflective of the gardens associated with other properties in the surrounding area. The proposed arrangement is therefore appropriate in its context.
- 17.19 Policy DP16 also states that “all new residential development will pay a commuted sum towards open space provision and maintenance. No exception is made in relation to developments of affordable housing. Indeed, Supplementary Planning Document “Provision of Open Space, Sport and Recreational Facilities” specifies that “The standards, outlined above, are to be applied to all additional new residential Units. (...) New development includes most specialised types of housing including agricultural dwellings, affordable housing and also staff accommodation since all will create additional demands for open space.”

- 17.20 No Unilateral Undertaking or Monitoring Fee has been submitted with regard to addressing this policy. Consequently, the proposal presents a minor departure from this adopted policy. However, in similar previous cases at Council owned garage sites given permission in the past, the Council waived the commuted sum in order to make the provision of 100% affordable housing schemes viable. This is based on the pressing need for the delivery of affordable housing being a greater priority. It does not set a precedent for private market housing as this does not provide 100% affordable housing.
- 17.21 In addition, CBC is the provider and maintainer of public open spaces and is also the landowner. In this capacity, it has the power to provide and maintain the land for public benefit for the foreseeable future anyway. As maintenance of public open space is undertaken from the Council's overall budget, there would be no net gain to the community by requiring payment of open space contributions as it would simply take money from one part of the budget and move it to another.
- 17.22 In conclusion, the scheme provides acceptable private amenity space and open space provisions.

#### Trees and Landscaping Matters

- 17.23 Development Plan Policy DP1 requires development proposals to demonstrate that they respect and enhance the character of the site, context and surroundings including its landscape setting.
- 17.24 An Arboricultural Impact Assessment (AIA) was carried out in support of the application. The report finds that there are two trees of modest amenity value on site, both of which are 'B' and 'C' category standard trees. The dominant individual tree species on this site is Fastigate Hornbeam. None of these trees are protected by Tree Preservation Orders.
- 17.25 The proposed development requires the removal of two category 'B' trees of seemingly high amenity value due to their size and location, however they are in fact in a poor relative condition. As a consequence, the removal of these trees is considered acceptable subject to replacement planting being provided within the site, the details of which will be secured via condition. As such, the proposal is considered to be acceptable in terms of its impact on trees and its general landscape setting.

#### Other Matters

- 17.26 Secure refuse and recycling storage facilities will be provided opposite the application site. This will not have any adverse impact on the visual amenity of the surrounding area.
- 17.27 The application site is located within Flood Zone 1 and consequently, the site is unlikely to be susceptible to flooding and the development would not contribute to surface water flooding.

17.28 The site has been used for garaging for some years and therefore a Ground Contamination Report was submitted with this application. The Contaminated Land Officer is satisfied with this report and concludes that no further action is required other than vigilance during site clearance and groundworks.

17.29 A payment of £122.30 per dwelling will be made in contribution towards the measures in Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected, and the proposal complies with the Habitat Regulations.

## **18.0 Conclusion**

18.1 To summarise, whilst the proposal accords with most of the relevant policies in the Development Plan, it does not fully comply with policies DP1 and DP19 in so far as the development would cause limited harm on the amenities of neighbouring occupiers and conflict with current parking standards if the justification for a lower standard were not accepted. Having balanced the weight to be given to this conflict, and having had regard to all other material planning considerations, your Officers are of the opinion that the benefits of the proposal, which include a 100% affordable scheme would outweigh the slight harm the development could cause to neighbouring amenities while the sustainable location of the site warrants a lower level of parking provision. It is therefore concluded that the proposed development is acceptable in this instance.

## **19.0 Recommendation to the Committee**

19.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

### **1. ZAA - Time Limit for Full Permissions**

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

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

### **2. ZAM - \*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 CBH/384548 0009, 0013, 0021, 0023, 0024, 0026, COR/384548 0025 and 0026 and the Arboricultural Impact Assessment (ref. EAS-014.4).

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

### **3. ZBB - Materials As Stated in Application**

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area

### **4. Z00 - \*Full Landscape Proposals TBA\***

No works shall take place above ground floor slab level until a scheme of hard and soft landscape works for the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels, proposed planting, details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are publicly visible areas to be laid out but there is insufficient detail within the submitted application.

### **5. Z00 – Construction Management Plan**

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur in the interests of highway safety

### **6. 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 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.

## **7. 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.

## **8. 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.

### **9. 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

### **10.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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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

### **11.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 10.

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

### **12.Z00 – Car Parking and Turning Areas**

The development shall not be occupied until such time as the car parking and turning area has been provided in accord with the details shown in Drawing Number COR/384548/0009. The car parking area shall be retained in this form at all times and shall not be used for any other purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur in the interest of highway safety.



### **13.Z00 – Cycle Storage TBA**

Prior to the occupation of the proposed development, storage for bicycles sufficient for all occupants of that development shall have been provided within the site in accordance with details that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The agreed cycle storage provisions shall thereafter be maintained and made available for this use at all times.

Reason: To promote the use of sustainable means of transport.

### **14.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.

### **15.ZIF - No Unbound Surface Materials**

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

Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.

### **16.ZDG - \*Removal of PD - Obscure Glazing But Opening\***

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the first floor windows in the side elevations shall be glazed in obscure glass to a minimum of level 4 obscurity and top-hung before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

## 20.0 Informatives

20.1 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](http://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. ZTM - Informative on Works affecting Highway Land

PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.

### 5. Non Standard Informative – Asbestos

The applicant's attention is drawn to the *Delta Simons, 'Geo-Environmental Report – Geotechnical Category 1', Buffett Way, Issue 1, Final, Ref. 19-0677.01, dated 05/08/19* recommendations with respect to asbestos and drinking water supply pipework.

### 6. Non Standard Informative - 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)

## **7. Non Standard Informative – Cadent Gas**

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588