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Item No: 7.1

Application: 172272

Applicant: Taylor Wimpey

Agent: JCN

Proposal: Creation of 35 no. two, three and four bedroom detached, semi-detached and terraced houses, plus associated roads, car parking, landscaping and public open space.

Location: Land to the rear of, Field House, Dyers Road, Stanway, Colchester, CO3 0LH

Ward: Stanway

Officer: Alistair Day

Recommendation: Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because objections have been received to the development proposal and a s106 legal agreement is required.

2.0 Synopsis

- 2.1 The key issues explored below are land-use, design, traffic and highway implications, flood risk, impact on ecology and archaeology. The impact on neighbouring amenity and the surrounding area are also discussed in the report. The report concludes that subject to appropriate mitigation measures (conditions and s106 obligations), the development is acceptable and recommended approval

3.0 Site Description and Context

- 3.1 The application site forms part of the curtilage of Field House which is located on the east side of Dyers Road. The site is broadly rectangular in shape and extends to some 1.85 hectares (but does not include Field House which is to be retained as a separate residential dwelling). The existing access to the site is via a private drive served from Dyers Road to the north of Field House.
- 3.2 The site contains a large number of trees. There is a woodland block of trees at the western end of the site with groups of mainly younger trees in the centre / eastern part of the site. On the eastern boundary there is an established tree group running parallel to Dyers Road and two mature oak trees on the southern boundary of the site. The site is subject to two tree preservation orders: TPO 22/88 covering the woodland at the western end of the site and individual hedgerow trees and TPO 06/17 protecting three trees in the centre of the site.
- 3.3 Residential development is located to the north of the site. To the south and west of the site are agricultural / horticultural fields, which are allocated for residential development.

4.0 Description of the Proposal

- 4.1 Full planning permission is sought for the erection of 35 dwellings with associated infrastructure, parking, landscaping and open space.
- 4.2 The main vehicular access to the site will be via a new entrance onto Dyers Road, located towards the southern end of the site's frontage.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

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

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment

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

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals

- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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

- SA STA1 Appropriate Uses within the Stanway Growth Area
- SA STA2 Phasing of Greenfield sites in Stanway Growth Area
- SA STA4 Transportation in Stanway Growth Area
- SA STA5 Open Space in Stanway Growth Area

7.5 In addition to the above, consideration also needs to be given to the Submission Colchester Borough Local Plan 2017-2033

- SG2 Housing Delivery
- SG7 Neighbourhood plan
- SG8 developer Contributions
- ENV 1 Natural Environment
- ENV 3 Green Infrastructure
- CC1 Climate Change
- WC2 Stanway
- DM1 Health and Wellbeing
- DM3 New Education Provision
- DM4 Sports Provision
- DM 8 Affordable Housing
- DM9 Housing Density
- DM10 Housing Diversity
- DM 12 Housing Standards
- DM15 Design and Amenity
- DM18 Provision for Public Open Space
- DM19 Private Amenity Space
- DM 20 Promoting Sustainable Transport
- DM 22 Parking
- DM23 Flood Risk
- DM24 Sustainable Urban Drainage

Paragraph 216 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.

Officers have considered the weight to be attached to the Submission Colchester Borough Local Plan 2017-2033. As to the first limb, the Local

Plan was submitted to the Planning Inspectorate in October 2017. An Inspector has been appointed and the formal examination commenced in January 2018. The Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. As to the second limb, in the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan. As to the third limb, it is considered, at this stage, that the relevant policies in the emerging Local Plan do not appear to contain obvious inconsistencies with the Framework.

Overall, for these reasons, the emerging Local Plan is considered to carry reduced weight.

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

- Stanway Parish Plan and Design Statement (March 2011)
- Stanway Southern Slopes Access Brief (May 2011)
- Community Facilities
- Vehicle Parking Standards
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy

8.0 Consultations

8.1 Consultation responses are summarised as follows:

Urban Design Officer

8.2 The Council's Urban Design Officer has advised:

- Galvanised steel 'frontage rails' to Dyers Road would be extremely unattractive and seemingly unnecessary
- Informal open space in the SE corner is counter-intuitively inaccessible and in a way which leaves it lacking self-management
- To the north of the access road the new path appears over-engineered considering its vital though non-strategic (light pedestrian/cycle flows), in part duplicates existing routes and would undermine (split) the potential use of the extended space
- There is a lack of amenity in landscape proposals.
- Dedicated on-street parallel visitor spaces excessively erode the green infrastructure
- Some boundary lines contradict the potential to more intuitively shape space
- Front path access to individual homes sometimes doesn't adequately relate to the street / desire-lines
- Front of plot car parking would excessively dominate the street scene

- House types are generally relatively plain though well-proportioned, balanced and not entirely without potential charm subject to appropriate materials and details. Key materials should be conditioned

Archaeological Officer

- 8.3 The proposed developed site is located in an area of archaeological interest. There is high potential for encountering below-ground archaeological remains in this landscape setting, which is topographically favourable for early occupation of all periods, at the head of a minor tributary of the Roman River and in a similar landscape context to many known archaeological sites, including the Scheduled Monument at Gosbecks Farm Iron Age and Romano-British site (NHLE 1002180), to the south-east, and Stanway burials to the south (HER no. MCC8095).
- 8.4 There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 8.5 In this case an archaeological condition is recommended.

Landscape Officer

- 8.6 The Landscape Officer has confirmed that he is broadly content with the landscape content of the proposal and has recommended conditions to cover the detailed landscaping.

Tree Officer

- 8.7 The proposal requires the removal of a number of trees across the site but these are predominantly categorised as C as per BS5837: 2012. Of those that are of a higher category that require removal it is deemed acceptable because of the low number of them and as a result of the removal of the lower value trees around them; the loss of which would likely result in their failure to thrive due to changed growing environment.

Housing Development Officer

- 8.8 The Housing Development Officer has confirmed, following the receipt of the viability appraisal, that the affordable housing mix is acceptable.

Environmental Control (General)

8.9 No objection, subject to conditions to cover the following:

- Construction Method Statement
- Machinery and Plant operation on site
- Limits to vehicle access
- Limits to Hours of Work

Environmental Control (Contamination)

8.10 The reporting to date is generally acceptable, further information is still required in order to fully assess the risks. However, based on the information provided, it would appear that the site could be made suitable for the proposed use, with the remaining matters dealt with by way of condition. Consequently, should you be minded to approve this application, Environmental Protection would therefore recommend inclusion of the standard contamination conditions.

Street Services

8.11 No comments received

Highway Authority

8.12 Comments awaited

Essex County Council (Education)

8.13 This development sits within the priority admissions area of Stanway Fiveways Primary School. As you will be aware there is significant housing development planned in this area and, in response, Essex County Council has put forward proposals to increase the size of this school. In our '10 Year Plan' for meeting demand for school places, there are also proposals to expand the Stanway Primary School and the option of a new school at 'Lakelands'. This development would generate further demand and, thereby, the scope of projects to provide additional school places is directly related to the proposal. The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution will thus be fairly and reasonably related in scale and kind to the development and, thereby, Community Infrastructure Levy regulation 122 compliant. Five obligations naming the new school alluded to above have not been entered into at this time and any section 106 agreement in favour of this project is, thereby, also regulation 123 compliant. This equates to £12,734 per place and so, based on demand generated by this proposal set out above, a developer contribution of £133,707, index linked to April 2017, is sought to mitigate the impact on local primary school provision.

Lead Local Flood Authority (LLFA)

- 8.14 The LLFA state that they have reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere.

North East Essex Badger Group

- 8.15 There is a well-established badger sett located on the southern boundary which is apparently not going to be disturbed. Badgers are reasonably wide ranging and their foraging space will be greatly curtailed. It is noted that the hedgerow along that boundary line is to remain and become possibly a wildlife corridor. However, that hedgerow narrows considerably towards Dyers Road. Again, it is also noted that, whilst a wooded area is to be left towards the westerly side, this will be greatly cleared and enhanced for public use - again not conducive for wildlife habitat. We would also point out that there is a proposal mooted to develop the remaining land between this site and the development currently being built at the end of Dyers Road/Warren Lane. If this comes to fruition there will be no-where for the badgers or other wildlife to go. Is it not possible for the Planning Authority to insist that the space both Developers will be leaving can be a continuous area to facilitate wildlife?

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

9.0 Parish Council Response

- 9.1 The Parish Council in their email dated 21 September 2017 stated they had no objection to this application.
- 9.2 In response to re-consultation, (Jan 2018) the Parish Council confirmed that they had no OBJECTIONS noting the concerns of local residents and stated that they were in agreement with the Borough Councillors of Stanway that all the trees on the previous plan should be preserved.

10.0 Representations

- 10.1 35 Letters of representation have been received and the comments made can be summarised as follows:
- The development will result in a loss of privacy / outlook
 - The development will create an oppressive juxtaposition with existing houses
 - Loss of trees
 - The development will have an adverse impact on ecology (birds, bats)

- The hedge to existing properties to the north of the site should be retained.
- The proposed cycleway across the open space in Egremont Way is not acceptable and will to the detriment of existing residents
- Anti-social behaviour has previously taken place in the woodland; this needs to be prevented from occurring again.
- Access onto Egremont Way
- There is limited parking and Egremont Way will be used as an overflow car park
- Dyers Road is already congested; the surrounding roads in general cannot cope and the development will add to traffic congestion
- If Dyers Road is closed all traffic will need to come out onto Blackberry Road; this is already very difficult due to the amount of traffic
- Stanway is overdeveloped
- No provision is being made for additional school places, hospitals or open space
- The development will cause noise and light pollution

10.2 One letter of support has been received. This states that the designs are very complimentary / pleasant; the developments works with the environment, has easy access onto the A12 and will help to support Colchester's historic, social and cultural facilities.

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

11.0 Parking Provision

11.1 See paragraph 15.41 to 15.44

12.0 Open Space Provisions

12.1 See paragraph below 15.20 – 15.22

13.0 Air Quality

13.1 The site is outside of any Air Quality Management.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. At the initial meeting of the Development Team, it was considered that the following Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

- Affordable Housing: 1 x 2 bed, 5 no. x 3 bed and 1 no. 4 bed. The tenure mix should be 80% for affordable rent and no more than 20% intermediate. One of the affordable homes should be delivered to meet

Building Regulations 2015 Part M (3) (a) Wheelchair adaptable dwellings. The wheelchair adaptable home should be specified for affordable rent. All other affordable homes should meet a minimum of Building Regulations 2015 Part M (2) in lieu of Lifetime Homes Standard (As specified in DP12)

- Education £133,707 for primary school provision
- Community Facilities - £60,000 contribution to hall on Western Approaches Road in Stanway.
- Open Space - £247,334.25 – towards Adult gym, Dog agility equipment, Egremont Way landscape improvements and provision of play equipment and landscape improvements at Stanway Country Park.
- Highways – bus stops on Blackberry Road and travel packs

All contribution index linked to April 2017.

14.2 Following receipt of the viability appraisal, the S106 contributions were offered by the Developer:

- Affordable Housing: Shared Ownership – 1 two and 1 three-bed terraced house; Affordable Rent – 3 two-bed terraced houses and 2 three-beds (one terraced, one detached)
- Education £133,707
- Community Facilities £60,000.
- Open Space - £247,334.25.
- Highways – bus stops on Blackberry Road and travel packs

14.3 The Development Team at its meeting on 22 March 2018 confirmed that the above mitigation package was acceptable.

15.0 Report

The Proposal

15.1 Planning permission is sought for the erection of 35 dwellings (5 no. x 4 bed; 26 no. x 3 bed and 4 no. 2 bed) and associated landscaping, amenity space and infrastructure.

The Principle of Development

15.2 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is also reflected in guidance set out in the NPPF. The Council's fully adopted Development Plan Documents, include a Core Strategy, Site Allocations and Proposals Maps and Development Plan Policies (DPD). The Council has also adopted a Supplementary Planning Document called Stanway Southern Slopes Access Guidance (2013). In addition to these adopted documents, the emerging local plan is also of relevance, although it is considered to carry limited weight.

- 15.3 The Council's Core Strategy provides the overarching policy direction for the local plan and for the delivery of development, infrastructure, facilities and services in Colchester to 2021 and 2023 for housing. Policy SD1 of the Core Strategy promotes sustainable development and identifies broad locations for growth. Five main locations are identified, including the Stanway Growth Area, of which the application site forms part. Policy SA STA1 of the adopted Site Allocation Plan identifies appropriate uses within the Stanway Growth Area. The application site is allocated for residential development.
- 15.4 Given the above, there is not an objection in principle to this site being developed for residential development. The proposal is in principle in conformity with the local plan.

Design

- 15.5 Core Strategy Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 7 of the NPPF establishes the importance the Government attaches to the design of the built environment.
- 15.6 The submitted Design and Access Statement explains that a straightforward cul-de-sac form of development is proposed, with two arms running westwards from Dyers Road until they reach the existing woodland. Four new dwellings are proposed along the Dyers Road frontage. These houses are set back behind a new native species hedge, incorporating tree planting, which has been designed to maintain and reinforce the verdant character of Dyers Road. Behind the street frontage, the estate roads curve gently through the site with mixture of house types lining the street. The comments made by the Council's Urban Design Officers have been addressed as far as is reasonably practical.
- 15.7 The proposed houses employ traditional forms and materials found in mid-Essex but adopt a modern cottage character. The comments made by the Urban Design Officer in respect of materials and design detailing are noted. A schedule of materials / samples have been presented at a meeting with the Urban Design Officer and no objection was raised to the proposed materials. A condition is proposed to cover architectural detailing.
- 15.8 The design and layout of the proposed development is considered to conform with the aforementioned development plan policies and the guidance set out in the NPPF.

Residential Amenity

- 15.9 Development plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.10 Objections have been made by local residents regarding the impact that the proposed development on the existing residential properties to the north of the site (including loss of private amenity and loss of outlook). Concern has also been raised regarding noise and disturbance from construction and additional residential traffic.
- 15.11 The Essex Design Guide considers that where properties are set parallel to one another a back- to- back of 25m is sufficient to protect private amenity. The Design Guide goes on to state that where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner.
- 15.12 The proposed dwellings adjacent to the northern boundary of the site have been sited and orientated so that they do not infringe the above guidance. Members should also note that there is a substantial change in ground level between the existing housing and application site at the north eastern part of the site (with the application site being about two meters lower). The fact that the proposed dwellings will be set lower than existing housing will further reduced the impact of the new development on the existing housing. The existing boundary treatment between the application site and the adjacent residential dwellings is a mixed affair comprising fencing (of various heights and conditions) and shrub / hedge planting. A new boundary enclosure is proposed along the northern boundary to enclose the rear gardens of the new residential dwellings. The applicant is sensitive to the concerns raised by the local residents and has confirmed that they will not remove boundary treatments (fencing and or hedging) that is not on their land. The desire of the developer to secure the rear gardens of the proposed properties is understood and a condition is attached to ensure that an appropriate boundary treatment is proposed.
- 15.13 With regard to noise and disturbance from construction work, it is accepted that this can have an adverse impact on local residents and, as such, it is recommended that a condition is attached requiring the submission of a Construction Method Statement.

- 15.14 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

Landscape

- 15.15 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy DP1 requires new developments to respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Central Government guidance on conserving the natural environment is set out in section 11 of the NPPF.
- 15.16 The Council's Tree Officer and Landscape Officer have been involved throughout the evolution of the design of this scheme and their advice has been instrumental in shaping the layout of the development and the landscape features that have been retained and are being proposed.
- 15.17 The submitted Tree Survey and Arboricultural Impact Assessment provides details on the tree stock, which trees should be retained and how they should be protected. A significant proportion of the existing trees on the site are proposed to be removed to facilitate the redevelopment of this site. The majority of the trees identified for removal are however classed as low quality (Category C or U) – i.e. trees that should not constrain the development. All of the high quality (Category A) trees are proposed to be retained. The Council's Tree Officers has reviewed the tree reports and has confirmed that he is in agreement with their conclusions.
- 15.18 A strategic landscape proposals drawing is submitted with the application and identifies the different character areas. The broad aim of the landscape proposals is to retain the existing important landscape features and set new development within this framework. To this end, the western woodland block is retained with a landscape buffer between the residential development and the woodland understory. Areas of open space are also proposed to the southern boundary and the center of the site which not only creates a setting for the retained trees and hedgerows but also provides a strong landscape corridor between the southern boundary and offsite area to the north.
- 15.19. The design and layout of the proposed development is considered to respect and enhance natural features that contribute to the character of the site and, as such, are considered to accord with the requirement of Policy DP1, ENV1 and the NPPF.

Open Space

15.20 Development Plan Policy DP16 states that new residential development should provide both private amenity space and public open space. DPP DP16 sets out a range of garden sizes which are as follows for houses:

- One or two bedroom houses – a minimum of 50m²
- 3 bedroom houses – a minimum of 60m²
- 4 bedroom houses – a minimum of 100m²

The submitted drawings and supporting planning documents state that all garden areas comply with the above standards.

15.21 With regard to public open space, Policy DP 16 states that open space provision will depend on the location of the proposal but as a guideline, at least 10% of the gross site area should be provided as useable open space. The application includes the provision of 0.7 hectares of public open space out of an overall site area 1.85 hectares. The open space is in two sections: an extension of the existing open space north of the site and the retained woodland on the western side of the site. It is proposed that both areas are be maintained in perpetuity by a management company.

15.22 In light of the above, it is considered that this development is acceptable in terms of the policy requirement for the provision of private amenity space, public open space and play and recreation provision.

Ecology and Biodiversity

15.23 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Development Plan Policy DP21 seeks to conserve or enhance biodiversity.

15.24 There are no statutory designated wildlife sites covering any part of the site. There are four statutory international designations of nature conservation interest present within 10km of the site and four non-statutory designations of nature conservation interest are present within 1km of the Site.

15.25 The central / western part of the site is dominated by a mosaic of dense scrub and grassland, in addition to an area of broadleaved woodland. The remainder of the site comprises amenity grassland, ornamental planting and outbuildings.

15.26 An Ecological Impact Assessment (EclA) of the site has been undertaken to identify important ecological features that could potentially be affected by the proposed development. To inform this assessment a range of ecological surveys and investigations were undertaken, including bat, badger, dormouse and reptile surveys.

- 15.27 Within the site, the EclA notes that the clearance of the scrub, grassland and groups of trees will mean that there will be an adverse biodiversity impact at a local level; however the proposed on-site habitat enhancement mitigation measures will ensure that there is no overall loss of biodiversity. The enhancement measures include: the creation of a glade within the retained woodland, retention and strengthening of the existing hedges; the introduction of new plants to widen the biodiversity value of the site; the provision of new bat roosting opportunities (on buildings and trees); dormouse nest boxes; bird boxes and reptile habitats (on and off site) and hedgehog holes in fences. The EclA also states no impacts have been identified on designated sites, including Abberton Reservoir Ramsar, SPA and SSSI, Essex Estuaries SAC, Blackwater Estuary Ramsar and SPA, Colne Estuary Ramsar and SPA, the Local Nature Reserves (LNR) at Lexden Park, Spring Lane Meadows and Hilly Fields or the Local Wildlife Sites (LWS) at Stanway Pits, Warren Lane, Tye Grove and Gryme's Dyke.
- 15.28 The Council's Ecological Consultant has reviewed the submitted information and has advised that the surveys are appropriate and that the reporting is thorough. Some concern has been raised regarding mitigation measures for reptiles. The original mitigation measures proposed the creation of a clearing within the woodland and there was concern that this would be too small. In response to this, a new off-site location is currently being investigated. At the time of writing this report additional survey works is being undertaken to verify the suitability of the proposed translocation site.
- 15.29 It is clear from the ecological survey work that the site has high ecological significance in the local context and that this is appreciated by residents. The layout of the proposed development has been informed by the ecological work and there is the potential for development to mitigate and enhance the ecological and biodiversity of the site. The comments made the Badger Group are noted. A significant area of green space is proposed within the development; when the planning application is submitted for the adjacent site, consideration will need to be given to the possibility of building upon the local green infrastructure. Given this, subject to agreeing a suitable translocation site for reptiles, the current planning application is considered to accord with CS ENV1, DPD Policies DP1 and DP21 and paragraph 118 of the Framework which requires planning application to conserve or enhance biodiversity interest.

Archaeology

- 15.30 This application is supported by a Desk Based Archaeological Assessment. The report states that the site can be defined as containing no designated archaeological heritage assets of national importance.
- 15.31 The Council's Archaeological Officer has advised that the application site is located in an area of high archaeological importance and that there is high potential for encountering below-ground archaeological remains

- 15.32 Subject to carrying out archaeological survey work, it is considered that there is no significant conflict with the intentions of the development plan or the NPPF in respect of heritage assets.

Transport and Accessibility

- 15.33 Core Strategy Policies TA1 – TA4 and Development Plan Policy DP17 seeks to improve accessibility and change travel behaviour. Policy STA4 of the Site Allocations document states that all new developments in the SGA will be expected to contribute to sustainable transport measures. Paragraphs 29 to 41 of the NPPF provides guidance on transportation matters; the NPPF states that planning applications should only be refused on transport grounds where the development would have a severe impact.
- 15.34 In addition to the above local plan policies, a Development Brief for Stanway Southern Sites Access has been adopted by the Council. The brief provides for the creation of an estate spine road through the southern part of the Stanway Growth Area, linking Warren Lane (south west) to Blackberry Road (north east). The scheme includes the closure of Dyers Road as a through route and the reconfiguration of the Fiveways junction to create additional capacity, with the road designed to accommodate bus services. The provision of the estate spine road and improvements to the Fiveways junction do not form part of this application. The application will however facilitate the early closure of the central part of Dyers Road to motorised vehicles, which is an aspiration of the Development Brief.
- 15.35 A new vehicle access to the site is proposed from Dyers Road, using a simple priority junction. In order to achieve the visibility splays that will satisfy the Highway Authority, the applicant has made a separate application (Traffic Regulation Order (TRO)) for the closure of the central part of Dyers Road to vehicles. (The closure of Dyers Road will allow shorter visibility splays than is currently required or is achievable). Officers have been advised by Essex Country Council that TRO has been approved and that they do not have any objection to this application from a highway safety and/or capacity perspective. At the time of writing this report, the formal consultation response from the Highway Authority is still awaited.
- 15.36 The existing access to Field House will remain unchanged.
- 15.37 In terms of pedestrian and cycle access, the application proposes a pedestrian / cycle link to the boundary of the adjacent development site to the south. A similar link was originally proposed to the north, across the open space, into Egremont Way and thereby provide a safe and convenient route through to the facilities on Blackberry Road. This proposal generated objection from the many of the residents in the adjacent estate. For this reason, the decision has been taken to delete this footpath / cycleway from the scheme; a new footpath is now proposed along Dyers Road from the site access to where the existing footpath peters out. The pedestrian and cycle links will provide opportunities for the residents to walk and cycle to local facilities.

- 15.38 To help encourage modes of transport other than the private car, Residential Travel Information Pack are proposed for all new residents. This is to be secured by condition.
- 15.39 The concern expressed by local residents in respect that the impact that this development will have on the surrounding roads are appreciated. The responsible authority (the Highway Authority) has not raised an objection to this application on the grounds of highway safety or capacity.
- 15.40 It is considered that the proposed development accords with relevant development plan policies and national planning policy guidance set out in the Framework.

Parking

- 15.41 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. Development plan policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.42 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this, provision for visitor parking at a ratio of 0.25 spaces per unit is required. In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided.
- 15.43 Each property is provided with a minimum of two allocated parking spaces through a combination of garages, private driveway and/or parking courts. In addition to the private parking spaces 9 visitor car parking spaces are also provided. Each house is provided with a secure cycle parking either within a garage (policy compliant in terms of its internal dimension) or within garden sheds.
- 15.44 The proposed parking provision is considered to accord with the requirements of Policy DP19 and the adopted parking standards.

Hydrology and Drainage

- 15.45 Core Strategy policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. Development policy DP20 supports development proposals that include flood mitigation / attenuation measures as well as flood resilience measures.

- 15.46 The supporting Flood Risk Assessment and Drainage Strategy confirm that the site falls within Flood Zone 1 and is at minimal risk from surface water flooding. The proposed surface water drainage strategy incorporates the use of permeable paving and back garden soakaways to discharge surface water via infiltration on site. An existing drainage basin and geo-cellular storage on an adjacent site to the south with spare capacity is proposed to utilise the surface water generated on site which cannot be directed into the infiltration devices
- 15.47 Lead Local Flood Authority has advised that they have reviewed the Flood Risk Assessment and that they do not wish to raise an objection, subject to recommended conditions.
- 15.48 The submitted evidence indicates that there are effective mitigation measures to avoid any increase in flood risk and, as such, the development will not conflict with the intentions of the development plan or the Framework in respect of flood risk

Air Quality

- 15.49 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that "The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character." The adopted Colchester Borough Council - Air Quality guidance note is a material consideration.
- 15.50 Early consultation was undertaken with the Council in respect of air quality. The applicant was advised, that based upon the available evidence, air quality does not appear to be an overriding concern in this location. The proposed development site is not located within an existing AQMA and the operation of this site is unlikely to impact the currently declared AQMA's. The closest local authority monitoring location is CBC91 (Blackberry Road 2) and between 2011 and 2015 NO₂ concentrations have been well below the AQS objective of 40µg/m³, the NO₂ concentration in 2015 20.45µg/m³. PM₁₀ and PM_{2.5} are unlikely to be of concern. Given the above, and the fact that this is a small development it was considered that the proposal would be unlikely to affect our AQMA. The advising officer did however comment that it is likely that we will condition Electric Vehicle charging points at the planning stage.

- 15.51 It is considered that the proposed development is consistent with the requirements of the Council's adopted development plan policies, supplementary planning guidance and the Framework as regards to air quality impacts

Contamination

- 15.52 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 15.53 The desk top based contamination report accompanying this application concludes that there is potential for the site to contain contamination and on this basis recommends that further investigation work is undertaken. The Council's Contamination Land Officer agrees with the conclusions of the submitted report and has recommended conditions to provide a framework for further assessment, and remediation works.

S106 Obligations

- 15.54 Policy SD2 of Colchester's Core Strategy provides that new development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. This policy goes on to state that the Council will seek to employ standard charges where appropriate to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. The viability of developments will also be considered when determining the extent and priority of development contributions. Further policies on specific topic areas are provided within the Core Strategy and the Development Plan Policies (for example on affordable housing, health, community facilities and open space etc.).
- 15.55 The Framework provides guidance on when planning obligations should be used. Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

15.56 The Council's Development Team considers all major planning applications submitted to this Council and makes recommendations in respect of priorities for s106 obligations. The Development Team considered this application in January 2018 requested that the following obligations were required to mitigate the impact of this development proposal:

- Affordable Housing: 1 x 2 bed, 5 no. x 3 bed and 1 no. 4 bed. The tenure mix should be 80% for affordable rent and no more than 20% intermediate. One of the affordable homes should be delivered to meet Building Regulations 2015 Part M (3) (a) Wheelchair adaptable dwellings. The wheelchair adaptable home should be specified for affordable rent. All other affordable homes should meet a minimum of Building Regulations 2015 Part M (2) in lieu of Lifetime Homes Standard (As specified in DP12)
- Education £133,707 for primary school provision
- Community Facilities - £60,000 contribution to hall on Western Approaches Road in Stanway.
- Open Space - £247,334.25 – towards Adult gym, Dog agility equipment, Egremont Way landscape improvements and provision of play equipment and landscape improvements at Stanway Country Park.
- Highways – bus stops on Blackberry Road and travel packs

15.57 The applicant advised the Council that there was not sufficient surplus within the scheme to support the desired contributions. The scheme has therefore been subject to a Viability Appraisal. BPS, the Council's consultant, has advised that the appraisal generally provides a fair reflection of the development and associated costs. Through negotiation the developer has agreed to fund the Education, open space and community contributions, the required highway works (bus stops). The developer has however advised that the scheme cannot afford to fund the desired affordable housing mix. An alternative mix has been proposed namely Shared Ownership – 1 no. two and 1 no. three-bed; Affordable Rent – 3 no. two-bed terraced houses and 2 no. three-beds and include an adaptable property.

15.58 In addition to the planning obligations requested by the Development Team, it is also recommended that there is an obligation requiring the construction of a footpath / cycleway to the boundary of the development site to the south to ensure future permeability between the sites.

16.0 Conclusion

16.1 The current application will deliver 35 residential units and provide a choice of housing types with a range of prices in a sustainable location. The development will contribute positively towards the Borough's supply of housing. There would be economic benefits as a result of construction activity and the possible creation of additional jobs. There is sufficient evidence to be confident that overall the development would not cause significant harm to flood risk, air quality or would not have a severe impact upon the highway network; in terms of capacity or safety.

- 16.2 The Framework has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. It is considered that the benefits of the scheme significantly outweigh by any adverse impacts and, as such, Members are asked to endorse the officer recommendation as set out below:

17.0 Recommendation

- 17.1 It is recommended that Members resolve to grant planning permission, subject to:

- (1) The receipt of a favourable consultation response from the Highway Authority and the incorporation of conditions recommended by them;
- (2) The submission of an acceptable mitigation strategy being submitted for reptiles and addition of an appropriately worded condition to ensure the implementation of the agreed mitigation strategy.

- 17.2 Following the submission of the above, the Head of Planning and Housing is authorised to enter into and complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting to provide the following:

- Affordable Housing: Shared Ownership – 1 two and 1 three-bed terraced house; Affordable Rent – 3 two-bed terraced houses and 2 three-beds (one terraced, one detached) and one unit designed to Part M4 (2) standard with a level access shower installed.
- Education £133,707 Stanway Fiveways Primary School.
- Community Facilities - £60,000 contribution to hall on Western Approaches Road in Stanway.
- Open Space - £247,334.25 – towards Adult gym, Dog agility equipment, Egremont Way landscape improvements and provision of play equipment and landscape improvements at Stanway Country Park.
- Highways – bus stops on Blackberry Road
- Footpath / cycleway link to boundary of the site to the south
- All sums to be index linked

- 17.3 In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Head of Commercial is authorised at his discretion to refuse the application.

- 17.4 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions heads:

1. ZAA - Time period

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 - Drawing Nos.

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

Location Plan Drawing No. TW014-AP-01
Development Layout Plan Drawing No. TW014-AP-02 rev. C
Fencing Layout Plan Drawing No. TW014-AP-03 rev. C
Hard Surfacing – Drawing No. TW014-AP-06 B
Garden Areas Drawing No. TW014-AP-04 rev. B
Storey Heights Drawing No. TW014-AP-05 rev. B
Refuse Collection Points Drawing No. TW014-AP-07 rev. B
Colour & Materials Drawing No. TW014-AP-08 rev. B
Highways Plan Drawing No. TW014-AP-09 rev. B
Soft Landscape Strategy Drawing No. 17.2090.01 rev. D
House Type NA30-01, Drawing No. TW014-AP-NA30-01
House Type PA25, Drawing No. TW014-AP-PA25-01 rev. A
House Type PA34A, Drawing No. TW014-AP-PA34-01 rev. A
House Type PA34B, Drawing No. TW014-AP-PA34-02
House Type PT35, Drawing No. TW014-AP-PT35-01
House Type PT36A, Drawing No. TW014-AP-PT36-01
House Type PT36B, Drawing No. TW014-AP-PT36-02
House Type PT37A, Drawing No. TW014-AP-PT37-01
House Type PT37C, Drawing No. TW014-AP-PT37-03
House Type PT42, Drawing No. TW014-AP-PT42-01
House Type PA43, Drawing No. TW014-AP-PA43-01
House Type PT43, Drawing No. TW014-AP-PT43-01
House Type PT43, v TW014-AP-PT43-02
House Type Woodman A, Drawing No. TW014-AP-WM-01
House Type Woodman B, Drawing No. TW014-AP-WM-02
House Type Woodman C, Drawing No. TW014-AP-WM-03
Car Ports CP1 and CP2, Drawing No. TW014-AP-CP-01
Car Ports CP3 and CP4, Drawing No. TW014-AP-CP-02
Garage SG1, Drawing No. TW014-AP-GR-01
Garage SG3, Drawing No. TW014-AP-GR-02
Garages SMG5 and SMG6, Drawing No. TW014-AP-GR-03
Garage SMG7, Drawing No. TW014-AP-GR-04
Street Scenes A, B and C Drawing No. TW014-AP-ST-01

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

3. Z00 - Archaeological Scheme

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation

e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development

4. Non Standard Condition - Levels

No part of the development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land, with reference to fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements.

5. Non Standard Condition - Foul Water Strategy

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

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

6. 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 approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- 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.

- It should be demonstrated that the connection to the existing infiltration basin in the neighbouring development (Warren Lane) does not increase flood risk within both developments and off site. Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with 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 provide mitigation of any environmental harm which may be caused to the local water environment and to the effective operation of SuDS features over the lifetime of the development.

7. Non Standard Condition - SuDS

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: To mitigate increased flood risk to the surrounding area during construction.

8. - Non Standard Condition - SuDS

No works shall take place until a Maintenance and Management Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system, the maintenance activities/frequencies and maintaining maintenance records, 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 and to prevent increased flood risk or pollution hazard from the site.

9. Non Standard Condition – Architectural Features

Notwithstanding the details submitted, no works shall commence above ground floor slab level until additional drawings that show details of the proposed plinths, windows, doors, cills, arches, eaves, verges, bargeboards, porches, brickwork /stone work detailing, chimney stacks and rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, are submitted to and approved, in writing, by

the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure the architectural detailing is of a high quality and where such details are considered important to establishing a benchmark for the character of the buildings in this strategically important and prominent site.

10. Non Standard Condition - Landscape

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

- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason:: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity

11. Non Standard Condition – North Boundary

Notwithstanding the details submitted, the north boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of Plots 7 to 16 (excluding underground enabling works). The additional details shall include cross-section drawings to demonstrate the change in levels, stabilisation works, existing boundary enclosures to be retained and the new boundary enclosures. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of plots 7 to 16.

Reason: In order to ensure that an appropriate landscape treatment is provided along this sensitive boundary.

12. Non Standard Condition – Landscape management

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.

13. Non Standard Condition - Trees

No works shall take place until all trees and hedges not scheduled for removal on the approved plans have been safeguarded behind protective fencing in accordance with 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.

14. Non Standard Condition - Trees

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows

15. Non Standard Condition - Trees

No works or development shall be carried out until an Arboricultural Method Statement in accordance with BS 5837 and an arboricultural Scheme of Supervision, have been submitted to and approved, in writing, by the Local Planning Authority. The Scheme of Supervision shall include: a) Induction and personnel awareness of arboricultural matters b) Identification of individual responsibilities and key personnel c) Timing and methods of site visiting for monitoring of tree work and development work adjacent to retained trees, record keeping and updates and the timeframe for submitting these details to the Local Planning Authority d) Procedures for dealing with

variations and incidents and the timeframe for notifying the Local Planning Authority of such details. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Scheme of Supervision.

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

16. Non Standard Condition – Travel Packs

On the first occupation of each dwelling, the residents shall be provided with Travel Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority, in consultation with Essex County Council.

Reason: To ensure that a development takes place which exploits opportunities for the use of sustainable transport modes for the movement of goods and people.

17. Non Standard Condition - Garages

Prior to the first occupation of any dwelling, the garages and parking spaces that are intended to serve that dwelling (as shown on approved plans) shall be made available for use of the occupants of that dwelling and their visitors. The garages and parking spaces shall thereafter be used solely for the benefit of the occupants of that dwelling or their visitors for the parking of vehicles and for no other purpose.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

18. Non Standard Condition – Visitor Parking

The formal visitor parking spaces indicated on drawing no. TW014-AP-09 B shall be retained solely for the benefit of visitor parking.

Reason: To ensure that a continual level of visitor car parking is provided and retained throughout the development.

19. Non Standard Condition – Cycle Parking

The garden shed / cycle storage outbuildings shown on drawing no. TW014-AP-03 C shall be provided prior to the occupation of the relevant units and shall be provided with an anchor for securing cycles the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding underground enabling works). The development shall be implemented in accordance with the agreed details.

Reason: To ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied.

20. Non Standard Condition - Construction Method Statement

Development shall not commence unless and until a Construction Management Plan ("CMP") has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved statement. The CMP shall include:

- 1) Details of the site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- 2) Details of the proposed storage of materials and disposal of surplus materials;
- 3) Methods of dust management;
- 4) Pollution control during construction: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage, pollution response plans;
- 5) Details of hours of work;
- 6) Siting and details of wheel washing facilities;
- 7) Cleaning of site entrances, site tracks and the adjacent public highways and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
- 8) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
- 9) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant equipment and vehicles;
- 10) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound;
- 11) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009; and
- 12) Details of the routing of heavy vehicle traffic accessing and leaving the site and
- 13) Details of piling

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.

21. Non Standard Condition - Contamination

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.

22. Non Standard Condition - Contamination

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.

23. – Non Standard Condition - Contamination

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.

24. Non Standard Condition - 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 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, 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 23.

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

25. Non Standard Condition - Contamination

Prior to the first occupation 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 approved documents and plans.

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

26. Non Standard Condition - Lighting

All lighting installed within the development hereby permitted (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the Colchester Borough Council's External Artificial Lighting Planning Guidance Note for EZ2 rural, small village or dark urban areas and shall thereafter be retained and maintained in accordance with these guidelines.

Reason: To protect the residential amenity and to reduce the affects of light pollution.

27. Non Standard Condition – Electric Charging Points

Prior to the commencement of the development a scheme for the provision of electric charging points shall be submitted to the Local Planning Authority for approval and approved in writing. The scheme shall include details of the type of charging point to be provided, their location, a timeframe for their implementation, the arrangements by which residents of the development can access and use the charging points and details of their on-going management and maintenance. The

development shall be implemented in accordance with the approved details.

Reason: In the interest of promoting a sustainable transport modes and reducing pollution.

19.0 Informatives

1. ZTO - 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.