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Item No: 7.2

Application: 181859

Applicant: See Below

Agent: Mr Matthew Parsons

Proposal: Detailed application for residential development; 102 no. residential dwellings (Use Class C3), comprising 96 houses (2 - 2.5 storeys) and an apartment building with 6 units (3 storeys), associated car parking, cycle parking, public open space and pedestrian / cycle infrastructure, formation of pedestrian and cycle links and other associated works and improvements. amended submission 100 no. residential dwellings (Use Class C3), comprising 95 houses (2 - 2.5 storeys) and one buildings containing 5 apartments (3 storeys), associated car parking,

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

Ward: Marks Tey and Layer

Officer: Sue Jackson

Recommendation: Approval subject to a legal agreement being signed

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application, material objections have been received and residential development is proposed on land currently allocated for employment use.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of residential use and loss of employment land, access arrangements and highway impact and impacts on the amenity enjoyed by adjoining residential occupiers.
- 2.3 This report concludes that the proposed development represents sustainable development' as promoted in the National Planning Policy Framework (NPPF) and as such the application is subsequently recommended for approval subject to a S106 Agreement to secure the specific mitigation of development impacts and appropriate conditions.

3.0 Site Description and Context

- 3.1 The site is described as former agricultural land. It is generally level and has an area of 3.48 hectares. To the north is the A12 Trunk Road. The carriageway of the A12 is a few metres lower than the site and is separated from it by a mature tree belt. Along the east boundary is a hedgerow which separates the site from land to the east known as Stane Park. Land to the west is currently in agricultural use. To the south of the site are three earlier phases of residential development at Wyvern Farm which are nearing completion. The existing residential development is accessed from London Road through two principal estate roads.
- 3.2 Stane Park, Phase 1, is completed and comprises a range of restaurants and drive-through food outlets with access from London Road and an arm of a new roundabout onto Stanway Western Bypass. Land comprising Stane Park phase 2 abutts the east boundary of the site.
- 3.3 Sainsbury supermarket is on the opposite side of Stanway Western Bypass and further south is the Tollgate retail park .

4.0 Description of the Proposal

- 4.1 This application seeks full planning permission for residential development of 100 residential dwellings, comprising 95 houses (2 - 2.5 storeys) and one building containing 5 apartments (3 storeys) plus associated car parking, cycle parking, public open space and pedestrian / cycle infrastructure, formation of pedestrian and cycle links and other associated works.

4.2 The application includes the following documents

- Planning Statement
- Design and Access Statement
- Air Quality report
- Archaeological Desk Based Assessment
- Archaeological WSI Report
- Archaeological Evaluation
- Archaeological Excavation Report
- Arboricultural Impact Assessment
- Ecology Extended Phase 1 Habitat Survey
- Phase 2 Ecological Surveys and Assessment
- FRA and Drainage Strategy Report
- Ground Investigation Report
- Health Impact Assessment
- Landscape Master Plan
- Noise Survey and Report
- Statement of Community Involvement
- Sustainability and Energy Statement
- Transport Assessment

5.0 Land Use Allocation

5.1 Employment land in the Adopted Review Local Plan

5.2 Residential (part of a larger site to the north of Wyvern Farm) in the Emerging Local Plan

6.0 Relevant Planning History

6.1 145494 - Demolition of the existing buildings, the construction of two entrances from London Road and the creation of 358 no. one, two, three- and four-bedroom houses and apartments, plus associated roads and parking, public open space, landscaped buffers and drainage works. Approved

6.2 161380 - Revised development to provide 176 no. one, two, three and four bedroom houses and apartments, plus associated road and parking, public open space, landscaped buffers and drainage works. Approved

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- CE3 - Employment Zones
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- 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 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP12 Dwelling Standards
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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

- SA STA1 Appropriate Uses within the Stanway Growth Area
- SA STA2 Phasing of Greenfield sites in Stanway Growth Area
- SA STA3 Employment and Retail Uses in Stanway Growth Area
- SA STA4 Transportation in Stanway Growth Area
- SA STA5 Open Space in Stanway Growth 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. The relevant policies are:

Policy SG1: Colchester's Spatial Strategy

Policy SG2: Housing Delivery

Policy SG7: Infrastructure Delivery and Impact Mitigation

Policy ENV1: Environment

Policy ENV5: Pollution and Contaminated Land

Policy PP1: Generic Infrastructure and Mitigation Requirements

Policy WC2: Stanway

Policy WC5: Transport in West Colchester

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

The Essex Design Guide

External Materials in New Developments

EPOA Vehicle Parking Standards

Affordable Housing

Community Facilities

Open Space, Sport and Recreation

Sustainable Construction

Cycling Delivery Strategy

Urban Place Supplement

Sustainable Drainage Systems Design Guide

Street Services Delivery Strategy

Planning for Broadband 2016

Managing Archaeology in Development.

ECC's Development & Public Rights of Way

Planning Out Crime

Air Quality Management Guidance Note, Areas & Order

Stanway Joint Design Statement and Parish Plan

8.0 Consultations

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

8.2 Planning Policy

The application site is shown as designated for employment use in the Adopted Local Plan Proposals Map. The January 2015 Employment Land Needs Assessment also shows the site, which forms an element of a wider Stane Park allocation. The ELNA, however, noted that 'In light of the identified surplus of employment (and specifically office) land available to meet future economic growth needs in Colchester over the plan period, it would be difficult to justify retaining the full extent of undeveloped employment allocations at Stanway from both a quantitative and qualitative market perspective. In this respect, it is recommended that the Council adopts a selective approach to safeguarding these undeveloped allocations for future development by retaining those sites with the best intrinsic qualities and greatest prospect of coming forward for employment development in future. (para 8.48)

The recommendation to reduce Stanway employment allocations was reflected in reduced allocations for new employment land for Stanway in the 2017 Employment Land Supply Trajectory and the subsequent emerging Local Plan allocations. The application site was amongst those deleted. The particular decision on the application site reflected the potential deliverability issues raised around access to the site for employment use, which would be expected to involve access from the adjacent commercial Stane Park land, which is under different ownership. Residential use would not raise this access issue given that it would be expected to be through the surrounding residential area under control of the applicant.

The previous employment designation is accordingly considered to have been superseded by the emerging Local Plan designation. For the avoidance of doubt, however, the application is best considered in light of the NPPF given that the adopted Centres and Employments policies are considered to be out-of-date and the emerging Local Plan can only be given limited weight in light of its current status. Paragraph 11(d) provides that the proposal should be given permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

While these comments do not address other aspects of the proposals, in terms of the loss of employment land, the adverse impacts are not considered to outweigh the benefits of the proposal.

8.3 Highway Authority

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions and a £25,000 contribution (index-linked) plus 2% (or up to £2,000) S106 agreement monitoring fee towards improvements at the Stanway Western Bypass/London Road roundabout.

8.4 Highways England

We have examined the Transport Assessment and refer to developments in the vicinity which secure some improvement work to the A12 J26 if these developments go ahead and, collectively, these improvements may provide some spare capacity over and above the development that is associated with them.

The work carried out for Tollgate and Stane Park Phase 2 has identified a comprehensive solution to the likely congestion and possible safety issues at J26, namely signalisation of all four arms of the junction and limited kerblines works to allow the signals effectively to deliver two lanes of traffic onto the roundabout. One single scheme implemented in one 'hit' would be preferable in terms of disruption to the travelling public and is likely to be more cost effective.

We therefore agree with the conclusion that this development is unlikely to have a severe impact upon A12 J26.

8.5 Lead Local Flood Authority (LLFA) ECC

Having reviewed the Flood Risk Assessment & Drainage Strategy Report and the associated documents which accompanied the planning application, acting on behalf of ECC we do not object to the granting of planning permission subject to conditions.

8.6 Anglian Water

Consulted in August 2018 no comments received

8.7 Urban Design Officer

I would support the scheme which has significantly improved informed by pre-application dialogue and through the engaged efforts of the applicant. It is now of good design as required by national policy and guided by adopted local policy, subject to the conditions:

1. Noise mitigation should be conditioned, in consultation with the Environmental Health Officer to ensure the play area achieves recommended noise levels for that specific (play area) use;
2. Key building materials (to be agreed) should be conditioned, with an informative requiring high quality materials (befitting the limited design

palette) and not accepting current proposals (e.g. they currently include brown tiles and the use of red/grey tiles often appears mismatched)

3. Key building details (to be agreed) should be conditioned;
4. Front boundary treatments should be conditioned;
5. Path materials should be conditioned, noting these are currently not identified;

8.8 Contaminated Land Officer

The submitted report is acceptable for Environmental Protection's purposes. It is noted that within the hedgerow along the eastern boundary there are approximately 15 cement sheets suspected to contain asbestos, and some fly-tipped white goods. No other potential sources of contamination were identified. It has been recommended that a simple remedial solution would be for the identified sheeting and fly-tipped material to be appropriately removed from site and disposed of, and that the exposed topsoil in the vicinity of the assumed asbestos-containing sheeting be sampled to confirm that the underlying soils have not been impacted by residual loose asbestos fibres. Based on the information supplied, this approach would appear reasonable and would not preclude the proposed development, with the suggested remedial actions and verification dealt with by way of planning condition.

8.9 Arboricultural Officer

Commented on tree protection and path construction details

8.10 Environment Agency

Made an advisory comment regarding proximity of the site to landfill

8.11 Environmental Protection Air Quality Consultant

Reviewed the Air Quality Impact Assessment and concludes the proposed development is acceptable on air quality grounds.

8.12 Environmental Protection

We were initially concerned about the high noise levels from the A12 measured at the northern boundary of the site and requested that further longer-term monitoring was undertaken at the proposed façades of the units to the north of the site. The additional monitoring has shown that, owing to the A12 being significantly below the level of the site, the noise drops off and reasonable internal and external noise conditions should be achieved if the recommendations in the acoustic report are followed and the facades of the northern properties are no closer than 25m from the northern boundary, as shown on the plans.

We therefore recommend conditions in respect of passive ventilation with appropriate sound insulating properties, the erection of an acoustic barrier

and fencing in-addition to conditions requiring a Construction Method Statement and limiting hours of work.

8.13 Landscape Officer

Comments to accord with the Council's Landscape strategy for development sites the landscape element of the proposal needs to be cross-checked against the Council's standard generic requirements under Landscape Guidance Note LIS/A and where applicable amended accordingly to fully accord with them. In particular the clause(s) of LIS/A noted in the Appendix to this document need(s) to be cross-checked against the current submission.

If further phases of the wider Wyvern Farm development immediately to the west of the site have been secured as part of an agreed development plan then there would be no objection to the proposed layout, this as the rather abrupt termination of the western boundary of the site would merely form a phase of the wider development. If not then that western boundary should be considered as the settlement/rural edge and be designed accordingly, i.e. with units set well back behind native hedging and hedgerow trees facing onto the rural edge (as with the adjacent development currently under construction). This in order to help protect the character of the adjacent rural landscape and public views from that landscape, particularly from PRow 149_27 located 100m or so to the west of the site.

Tree planting should be proposed as set a minimum 1-1.5m away from enclosure at or over 1.8m high (see clause 4.6 of LIS/A). Review trees proposed to plot 6, 22, 34 & 79 accordingly.

8.14 Essex Ecological Services Ltd (CBC consultant on ecology)

We have reviewed the relevant documents for this application.

In this case, the potential ecological issues associated with the development appear to have been dealt with in a thorough manner, employing an appropriate type and level of survey effort for notable species and habitats. The recommended ecological enhancement measures are particularly welcome, most notably the inclusion of integral bat and swift boxes in new housing and the use of a lighting scheme that minimizes impacts upon wildlife.

We also note that, in this case, an HRA has been carried out, the conclusions of which appear to be sound.

8.15 Natural England

It has been identified that this development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester Borough Council, working together to mitigate the

recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained.

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures. Officer comment a financial contribution will be secured in the legal agreement and onsite by conditions.

8.16 CBC Archaeological Advisor

No objection

9.0 Parish Council Response

- 9.1 The Parish Council have stated that I refer to the above application and can confirm that Stanway Parish Council raises NO OBJECTIONS in principle but does have great concerns about the lack of parking, the volume of traffic versus available access points and the density of the housing.

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 Priti Patel MP has commented

"My constituent has concerns about the development works on the site where she lives not being completed with conditions not fulfilled and road surfaces not constructed or maintained to a decent standard. Photographs are attached for some examples. I would be most grateful if you could ensure that these matters are investigated, conditions fulfilled and repairs undertaken.

Officer comment: these matters have been investigated by the Enforcement Team

In relation to planning application 181859, my constituent has expressed concerns about the impact of this development and I would be grateful if you could consider these as part of the decision-making process.

Furthermore, I have viewed the proposal and it would appear that housing is proposed to be constructed extremely close to the boundary with the A12. In view of the intention to widen the A12 north of Marks Tey (once the Chelmsford to Marks Tey widened scheme is more advanced) I would be grateful if you could let me know whether the Council has assessed the impact of this proposal on a future widening scheme.

Officer comment: The applicants Planning Statement includes the following paragraph "an issue raised during the public consultation was the impact of the proposed widening of the A12. Highways England have consulted on improving the A12 from junctions 19 (Boreham Interchange) to 25 (Marks Tey Interchange) to create better safer journeys. None of the options include widening the section of the A12 located to the north of the site which lies close to junction 26.

Your officer can also confirm the response from Highways England does not make any reference to future widening and does not require any land to be safeguarded.

10.3 Forty-Eight residents have made representations in respect of the application, the majority raising the same objections as set out below

- Persimmon already breach various regulations regarding working hours, health and safety matters and general standards regarding speed of vehicles on site. The roads and pavements are unfinished causing damage to vehicles, dust and pollution. The proposal will mean more HGV's passed residents' properties this is already a safety issue. The site is a mess. This will only extend residents misery.
- Roads need to be finished as residents are already paying maintenance fees
- Houses have not been completed to a satisfactory living standard as promised in agreements when exchanging contracts. Customer service, after care poor and snagging delayed because they started a new phase
- Residents were promised no traffic of heavy work vehicles would pass our road as it is paved, however persimmon have not kept to that promise.
- The landscaping is not complete.
- The proposed land is not earmarked for residential.
- The Transport Assessment impact is out of date and was taken prior to the vast majority of new estates being built and occupied.
- Infrastructure cannot take it, there is not enough schools to take 100 more families on, emergency services are stretched as it is. Health service cannot cope
- The residents of the area to which we have formed an association feel there is no way to express our grievances with Persimmons as all complaints have been ignored and the council won't take any responsibility until the estate is adopted
- Cheetah Chase, Lemur Lane and Wombat Way part of the existing development provide no walking pathways at present and will be dangerous for small children and anyone walking to the designated pathways, with the increased traffic this will exacerbate an already dangerous situation
- The Air Quality Survey is flawed
- The provision of social housing in the Plan should not be at the expense of those people buying these houses
- Street lighting has not been connected
- Street Signs have not been provided
- Provision for a children's play area and open space and quality landscaping features have been discarded/ignored by Persimmon
- The Council/Planners have a duty placed upon them to preserve and enhance the quality of living of its residents and those yet to move into the area. The taking of this land out of its proposed Zoned use in such an inhabitable area is both criminal and a dereliction of its duty to future generations living in Stanway.
- The two access roads to the proposed development are in no way suitable to take the required traffic. Both routes are chock full of young families with small children for whom HGV's, noise, dust and building waste are serious potential health risks.

- On the basis that the average household has two cars each, the current proposal suggests that at least 204 cars are to be funneled down just two roads. One of these roads is block paved and has no discernable footpath.
- Has consideration been given to the proposed widening and potential re-routing of the A12 given the plans for the A120 relief road and the West Tey development?

10.4 Thirty-Six residents have commented on revised plans raising similar objections to those set out above in addition the following comment were made;

- Vehicular access to this site for further housing having access via our road was not proposed when we bought our house this road was meant to lead to a footpath around the perimeter of the development
- houses would be built so close up to the A12
- we are living in a building site.
- cars have been damaged by a works vehicle
- complaints had to be made to building control and environmental health during phase 1 and phase 2 builds due to complete disregard to time and noise restrictions for loud construction. This was escalated to various council departments and demonstrates a complete lack of care by Persimmons towards residents already living on site
- The existing estate does not have visitor parking bays
- Main access roads (Sealion Approach) remains unfinished as does the cycle path circulating the existing phases.
- The solution should be a temporary road coming off the new roundabout for the Stane Park Retail development. Entering the site from that direction would all but nullify many of the objections raised regarding this proposed development.
- Most of the 2014 survey recommendations / findings have not been implemented (bus through the estate and the overcapacity identified in the London road area for example).
- The now proposed additional 100+ dwellings or 30% increase will make the justifications contained in the 2014 reports risible; therefore, how much faith can the council have in the current summation?
- Apparently, in 2014 most movements in and out of the estate were to be by bus. In practice the West bound London road is often stationary caused by vehicles turning into the estate, particularly the at the West entrance
- In essence, the traffic experience immediately off the estate roads is not being reflected in the presented surveys.

11.0 Parking Provision

11.1 Parking provision within the development meets the Council's current minimum parking standards of 2 off street spaces per dwelling (and 1 off-street space for 1 –bed units). Visitor parking is provided in a combination of off-street, on-street and parking lay-by locations within the development.

12.0 Accessibility

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

13.0 Open Space Provisions

- 13.1 The development provides over 6000 square metres of open space, including an equipped LEAP. The provision exceeds the 10% open space required by policy.

14.0 Air Quality

- 14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones. However, the application includes an Air Quality Report, this document has been reviewed by Environmental Protection specialist consultant who has concludes the proposed development is acceptable on air quality grounds.

15.0 Planning Obligations

- 15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The exact trigger points, mechanisms and associated clauses will need to be discussed with the solicitors for both sides.
- 15.2 But the Obligations that would be agreed as part of any planning permission would be:
- Parks & Recreation: a contribution of £251,337.00 to be used towards the provision and/or maintenance of a wheeled sports facility and ancillary items at Stanway Country Park. Open Space and fully equipped LEAP on site. A commuted sum will be required if the Council adopts the open space/LEAP
 - Community Services: a contribution of £165, 000 to be used on phase 2 of the community centre on the Western Bypass.
 - Education: there is agreement in principle to contributions in respect of Early years / Primary and the Secondary Education (discussions with ECC are ongoing in respect of the calculation of these contributions)
 - Archaeology: a contribution of £281
 - Highways a £25,000 contribution (index-linked) plus 2% (or up to £2,000) S106 agreement monitoring fee towards improvements at the Stanway Western Bypass/London Road roundabout to be paid prior to the occupation of any dwellings
 - NHS: a contribution of £36,271.00
 - RAMS: a contribution of £122.30 per dwelling as per the draft HRA Mitigation Strategy SPD.

- Affordable Housing provision has been the subject of detailed negotiation with the Affordable Housing Strategy Officer who now fully supports the affordable housing proposed. Twenty units are proposed as affordable housing including 2 wheel chair accessible units, full details of the units and tenure are set out in the table below.

House Type Ref	Beds	Number of units	Floor Area (sq ft)	
AFFORDABLE				Tenure
FT1 (WC)	1	1	667	Rent
FT2 (WC)	2	1	775	Rent
FT3	2	1	775	Rent
FT4	2	2	667	Rent
P	2	2	643	Rent
P1	2	1	663	Rent
P1	2	1	663	Intermediate
Q	3	3	811	Rent
Q	3	2	811	Intermediate
G	3	1	999	Rent
Q1	3	2	835	Rent
Q1	3	1	835	Intermediate
R	4	1	1168	Rent
M	4	1	1222	Rent
Total		20		

The AH Officer comments: that we would require the two bed ground floor apartment to meet Part M4 Cat 3 (2) (a) adaptable with a wet room, so it can be suitable for a wheelchair user and we would expect to see the one bed ground floor apartment to meet Part M4 Cat 3 (2) (b) fully adapted. We would expect all other affordable homes (Excluding upper floor apartments) to meet a minimum Part M4 Cat 2 in lieu of lifetime homes.

16.0 Report

16.1 The main issues in this case are:

The principle of development

16.2 The application site is shown as designated for employment use in the Adopted Local Plan Proposals Map.

- 16.3 However, the January 2015 Employment Land Needs Assessment (ELNA) considered the site which forms a part of a wider Stane Park allocation. The ELNA, noted that 'In light of the identified surplus of employment (and specifically office) land available to meet future economic growth needs in Colchester over the plan period, it would be difficult to justify retaining the full extent of undeveloped employment allocations at Stanway from both a quantitative and qualitative market perspective.'
- 16.4 The report recommended that the Council adopted a selective approach to safeguarding these undeveloped allocations for future development by retaining those sites with the best intrinsic qualities and greatest prospect of coming forward for employment development in future.
- 16.5 The recommendation to reduce Stanway employment allocations was reflected in reduced allocations for new employment land for Stanway in the 2017 Employment Land Supply Trajectory and subsequent emerging Local Plan allocations. The application site is amongst those deleted.
- 16.6 The Draft Local Plan identifies new sites for residential development including:

Land to the North of London Road (this includes the application site)

Policy WC2: Stanway

All proposals must also satisfy the Local Planning Authority with regard to the site specific requirements as identified below.

Land to the North of London Road

Development of these sites will be supported where they provide;

- (i) Up to 630 dwellings of a mix and type compatible with surrounding development
- (ii) A new primary school with co-located early years and childcare nursery places;
- (iii) A comprehensively planned highways access which takes into account adjoining residential allocations in order to minimise the number of new access points onto London Road but without prejudice to the development of the adjoining sites;
- (iv) Suitable landscaping and open space provision to the north of The site to form a buffer between future residential uses and the A12;
- (v) An integrated cycleway and footway serving the development and connecting to the existing network;
- (vi) A design and layout to minimise the impacts from, and mitigate against any impacts associated with noise from the A12; and
- (vii) Suitable landscaping and open space provision to the west of the site to form a defensible boundary and visual separation from Copford.

Policy WC5: Transport in West Colchester

Developments in West Colchester will be expected to contribute to a package of sustainable transport measures including walking, cycling, public transport, travel planning and the promotion of sustainable travel.

Where it is demonstrated that proposals will impact on the highway network, contributions will be sought towards mitigation and improvements, including to the following projects;

- Improvements to the A12 Junctions 25 and 26 to provide measures which reduce queuing at junctions.
- Improvements to the southern distribution road network to smooth the flow of traffic along this route including the Maldon Road/Warren Lane junction.
- Improvements and extension to the current bus services and routes, to serve developments and link the key attractors in the area and to the town centre. Provision of additional routes to serve the area as it develops further towards the West.
- Improvements to the existing cycle and walking network providing connections from Stanway through the Lakelands and Tollgate area to ensure that the new developments are permeable and connected to the existing services as identified in the Essex Cycle Strategy and the Colchester Cycle Delivery Plan.

For areas with large multiple sites located in close proximity to each other the cumulative impact of all the development in the area must be considered.

- 16.7 In their response the policy team comment that the previous employment designation is considered to have been superseded by the emerging Local Plan designation for residential development.
- 16.8 However, they then explain that for the avoidance of doubt, the application is best considered in light of the NPPF given that the policies in the Adopted Plan for Centres and Employment are considered to be out-of-date and that the emerging Local Plan can only be given limited weight in light of its current unadopted status.
- 16.9 The NPPF has at its core the presumption in favour of sustainable Development and states “The purpose of the planning system is to contribute to the achievement of sustainable development”

Paragraph 11 of the NPPF is relevant to the determination of the application, (the whole paragraph is quoted below for context with the relevant section highlighted)

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

- 16.10 The policy team have confirmed that in terms of the loss of employment land, the adverse impacts are not considered to outweigh the benefits of the proposal.
- 16.11 When considering wider sustainability issues, the Adopted Local Plan in Core Strategy Policy SD1 seeks to locate growth at the most accessible and sustainable locations in accordance with the settlement hierarchy (Colchester Town and Stanway being at the top of that hierarchy). Policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy for Colchester. A key aspect of this is the improvement of accessibility by enhancing sustainable transport links and encouraging development that reduces the need to travel.

- 16.12 The site is located in Stanway, which is at the top of the settlement hierarchy of policy SD1. Development in this location is therefore supported in broad sustainability terms. The requirements of TA1 are such that development needs to be focussed on highly accessible locations to reduce the need to travel and, given the proximity of the site to bus routes, retail and leisure facilities, and employment opportunities this is considered to be the case.
- 16.13 Paragraph 120 of the NPPF states
“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
- 16.14 The site is unlikely to come forward for employment use due to the difficulties in gaining access via Stane Park. Accessing employment uses through the existing residential streets would clearly be unacceptable. The site is in a sustainable location within Stanway evidenced by its proximity to existing and proposed residential allocations and the proposal is therefore considered to be acceptable in principle.

Design and Layout

- 16.15 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Development Plan Policy DP16 sets out space standards for both public and private (garden) space. In addition, Policy DP12 focusses on dwelling standards and the requirement for high standards of design, construction and layout.
- 16.16 The scheme has undergone extensive revision over the course of the planning application in order to achieve good design in terms of creating connectivity, adequate public and private space, and appropriate scale, form and architectural detailing and the Urban Design Officer has revised his recommendation from one of refusal to support for the application.
- 16.17 Street frontages have been revised to achieve continuity of frontage and avoid a formulaic approach in order to create interesting street scenes. The form and external design of the house types and blocks of flats have also been extensively revised, particularly with regards to roof form (i.e. pitch) and elevational treatments, elements of which will need to be conditioned to ensure that these design principles are adhered to. Architectural detailing,

such as (but not limited to) articulation, depths of reveals to windows and decorative panelling, window details are all required to be conditioned to ensure acceptable finishing, as are facing and roofing materials. Car parking which was previously visually dominant is now provided on plot to the side or rear of dwellings.

- 16.18 The proposed development meets the Councils adopted amenity, privacy and parking standards and policy DP 12 and DP16 are met.

Scale, Height and Massing

- 16.19 The development comprises residential dwellings of traditional domestic design, scale and massing. The majority of the units are houses comprising detached, semi-detached or small rows of linked units. The houses are all 2 storeys in height with 14 units 2 1/2 storeys. A small building of apartments is also proposed this is 3 storeys high and contains 5 units.

Impacts on Neighbouring Properties

- 16.20 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 16.21 A considerable number of representations have been received from residents living on the earlier phases of Wyvern Farm
- 16.22 However, the objections raised do not relate to matters of privacy or overlooking. The neighbouring properties nearest the site are on the north boundary of phase 3 Wyvern Farm. These dwellings are separated from the site by a linear area of open space. This open space is approximately 15 metres in width and extends the full length of the south site boundary.
- 16.23 The objections received from residents are set out above. A large number of the comments relate to issues residents have had with their new dwellings; in terms of quality of build and after sales care and building practises in respect of working hours, noise/dust from traffic and roads not being completed. These comments have been made forcefully and residents clearly have genuine concerns. However, they are not planning matters and should not influence the consideration of this application which should be determined on its planning merits.

- 16.24 Residents claim plans shown to them by Persimmon did not show roads continuing to this site and residents assumed access to the site would be through Stane Park. The original application for residential development on Wyvern Farm reference 145494 secured a bus gate (i.e. buses only) at the east boundary of the site to the Stane Park roundabout. This bus gate enters at Phase 2 of the Wyvern Farm development.
- 16.25 The application site is north of this roundabout and it would require a new road of over metres, on land forming part of Stane Park phase 2, in third party ownership to provide vehicular access to the application site.
- 16.26 Phase 2 of Stane Park application reference 172935 was reported to the planning committee in August 2018, and there is a resolution to approve the development subject to a legal agreement, does not secure access to the application site.
- 16.27 The emerging local plan proposes changing the employment allocation to residential and in their response to this application the policy team identify the difficulties in securing access over third party land. If the land were to remain as employment the vehicular traffic generated would have an adverse impact on resident's amenity.
- 16.28 The Highway Authority is satisfied the existing roads are of appropriate design and have the capacity to safely accommodate the additional residential traffic.
- 16.29 Highways England has considered the submitted information and do not require any additional works to junction 26. They have not referred to any possible widening of the A12 in respect of this application.
- 16.30 Noise and disturbance is considered to be minimal given the residential nature of the proposed development. The construction phase is likely to cause some noise and disturbance and, as such, the Council's Environmental Protection team have recommended conditions to limit the hours of work and establish a construction method statement.

Public Open Space Provision

- 16.31 A linear area of open space is proposed which includes pedestrian and cycle paths. Following negotiation an equipped LEAP is now included within the open space. The total area exceeds the 10% policy requirement.

Parking Provision

- 16.32 Car parking and cycle parking is proposed in accordance with the Parking Standards set out in the Essex County Council's Parking Standards (2009).

Highway Matters (including sustainability and accessibility)

- 16.33 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. The policy also states that the demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity, and built character. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements). It is relevant that the parking standards note that a reduction to the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport.
- 16.34 The application is supported by a Transport Assessment which reviews the relevant policy including the parking standards; describes the sustainability of the area and access to local facilities; details the development proposals and sets out the proposed parking provision; considers the travel characteristics of the development; considers the impact of the development on the highway network and sets out mitigation measures;
- 16.35 The assessment sets out that the proposed development would be sustainable in terms of access to a number of local amenities without reliance on private car. These amenities include, Stanway school, Post office, dentist, pharmacy, surgery and a range of retail, employment and leisure opportunities at Stane Park and the Tollgate Centre. Vehicular access is proposed by extending two existing vehicular accesses which serve the earlier Wyvern Farm phases into the proposed site providing vehicular access between the site and London Road. The site layout is designed as a loop connecting at two points (east and west) with the existing internal street network. At the western side, the Street Type is continued into the development with a carriageway and footway arrangement. This Street Type E becomes a Street Type F along the northern edge of the site and this connects at the eastern side to the existing shared surface street in the southern site. The existing accesses onto London Road are simple priority junctions.
- 16.36 The vehicle accesses to the site will also provide access for pedestrians and cyclists. Footpaths are provided along both sides of the Street Type E. A pedestrian footway is also proposed along the southern edge of the site connection with the existing residential development.
- 16.37 Car parking and cycle parking is proposed in accordance with the Parking Standards set out in the Essex County Council's Parking Standards (2009).

As part of the Transport Assessment (TA), the following junctions have been assessed:

- Site access on to London Road (east);
- Site access on to London Road (west).
- B1408 London Road/Stanway Bypass roundabout;
- Stane Park/Sainsbury's access roundabout; and
- Essex Yeomanry Way 'teardrop' roundabout;

16.38 The capacity analysis of the three junctions and two site accesses in the TA concludes that the proposed development can be accommodated safely on the highway network, without the need for mitigation measures.

16.39 Highways England and the Highway Authority have not expressed any concerns regarding the findings and conclusions of the Transport Assessment, the Highway Authority has also raised no objection to the layout. Highways England does not require any improvement to the trunk road. It is noted Priti Patel MP has queried whether the proposed development takes account of possible future widening of the A12 however Highways England have not made any comment on possible road widening and have raised no objection to the proposal as submitted.

16.40 Neither Highways England nor the Highway Authority have raised any objection to the application and it is therefore considered to be acceptable with regards to highway matters.

Drainage SUDS

16.41 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of the site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. It is still important, however, to assess whether/how the development could affect flood risk elsewhere.

16.42 A Flood Risk Assessment and Drainage Strategy Report has been submitted with the application and both Essex County Council SUDs (as Lead Local Flood Authority) and Anglian Water have been consulted. Essex County Council SUDs have confirmed that they have no objection to the proposal subject to conditions to secure a detailed surface water drainage scheme and a surface water drainage maintenance and management plan. This is considered appropriate in order to mitigate any impacts in terms of surface water run-off and flooding.

16.43 The report indicates the site is currently greenfield and is being developed to provide 100 no. residential units. The site is the 4th phase of the Wyvern Farm development, with Phases 1 to 3 located to the south of the site; There is no existing drainage network on the site, but the previous development

(Phases 1 to 3) has connection points that both the surface and foul water can connect into.

It is confirmed the site is located in Flood Zone 1 and so has a low risk of flooding from fluvial/tidal sources; it is also at low risk of surface water, groundwater and reservoir flooding. The allowable surface water flows from site will be attenuated to the Greenfield Q1 year run-off rate (5 l/sec) as required by the Essex "Sustainable Drainage Systems – Design and Adoption Guide";

Due to the high-water table, infiltration is not a viable SuDS method to use on site and swales, permeable paving and modular attenuation tanks will be used to attenuate the water on site with a final connection into the Phases 1-3 surface water network. The foul water from the development site will connect into the existing foul water pumping station within the phases 1-3 development, which eventually outfalls to the public sewers in Chitts Hill.

- 16.44 The proposal is not, therefore, considered to be susceptible to flooding or cause flooding elsewhere, will (subject to condition) manage surface water run-off, and would be adequately served in terms of foul drainage. It is considered the proposal complies with policies SD1 and DP20.

Landscape/Ecology

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

- 16.47 Arboricultural Impact Assessment indicates the site includes 4 individual trees and 3 groups trees on the boundaries, none of the trees are to be removed although pruning and remedial work will be carried out. Appropriate tree protection measures will need to be installed during the construction period. The only hedgerow which is on east boundary is to be retained
- 16.48 A phase 1 Ecology report concludes that the site consists predominantly of an arable field with semi-improved grassland field margins and boundary hedgerows with trees. Immediately adjacent to the north of the site is a broad-leaved woodland. Whilst the boundary hedgerows and adjacent wooded areas provide moderate value to biodiversity the majority of the site is considered of low biodiversity value. However, phase 2 surveys were recommend as the site is considered to have the potential to be of value for a range of protected species. The phase 2 surveys included a Badger, Reptile and Notable mammals.
- 16.49 Surveys for harvest mouse, hedgehog and brown hare found no notable mammals found. As some field boundaries will be lost as part of the proposals. Mitigation for the loss of foraging and sheltering habitat is recommended to include species rich, native mixtures and fruit-bearing, native plan throughout the soft-landscaping scheme. Grassland habitats on site will should also be improved.
- 16.50 No reptiles were found during surveys. The surveys also found no evidence of badger setts, commuting or foraging activity was recorded on site despite suitable habitats being present and therefore no badger setts will be affected as a result of the proposed development. However, as the site offers suitable sett building, foraging and commuting habitats a preconstruction badger survey is recommended before construction takes place to ensure that badgers have not moved onto site since the previous badger survey. It is also recommended that precautionary measures take place to ensure that in the event of a badger coming onto site during construction the risk of injuring and killing is minimised including, covering any trenches at night or leaving a plank of wood leant against the side to ensure they can escape if they were to accidentally fall in; chemicals appropriately sealed and stored and sensitive lighting. Precautionary mitigation measures are recommended for bats including retention and protection of trees and hedgerows and protection during construction, sensitive design and lighting Mitigation and enhancement measures will be secured by condition which will improve existing habitats.
- 16.51 The ecological report concludes no part of the proposed development site has any type of statutory or non- statutory conservation designation. The proposed development site is within a zone of influence for Abberton Reservoir S.P.A. - RAMSAR site, Essex Estuaries Special Area of Conservation, and Colne Estuary S.P.A. The proposed development will not reduce the size or conservation status of these designated sites, nor affect their management regimes or future ecological potential. The proposed development area does not create new access to these Natura 2000 sites.

- 16.52 The proposed development could however have some minor recreational/disturbance impact alone or when considered alongside other new developments within the same zone of influence for these Natura 2000 Sites and so is subject to a Habitat Regulations Assessment (H.R.A.). Natural England advise that a suitable contribution to the emerging Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) would enable the local authority to be able to reach a conclusion of “no likely significant effect” - and addressing the need for the suggested H.R.A. The legal agreement will secure the RAMS contribution.

Other Matters

- 16.53 The documents submitted with the application include an Air Quality Impact Assessment and the specialist consultant has reviewed the document and is satisfied the development will not have an adverse impact on air quality.
- 16.54 The site is close to the A12 and whilst Environmental Protection were initially concerned about the high noise levels from the A12 the additional monitoring requested has shown that, owing to the A12 being significantly below the level of the site, the noise drops off and reasonable internal and external noise conditions should be achieved subject to appropriate mitigation.
- 16.55 In terms of land contamination, the Councils specialist officer has considered the reports and has raised no objection subject to conditions.
- 16.56 Finally, the results of the archaeological evaluation demonstrate the presence of a low density and low complexity of archaeological remains within the site. The Councils archaeologist is satisfied with the report.

17.0 Conclusion

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

- 17.2 The NPPF also indicates planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. The Employment Land Needs Assessment considered the site which forms a part of a wider Stane Park allocation and concluded it would be difficult to justify retaining the full extent of undeveloped employment allocations at Stanway from both a quantitative and qualitative market perspective. The draft local plan therefore proposes to change the allocation from employment to residential.
- 17.3 The site is unlikely to come forward for employment use due to the difficulties in gaining access via Stane Park and accessing employment uses through the existing residential streets would clearly be unacceptable. The site is in a sustainable location within Stanway evident by its proximity to existing and proposed residential allocations and the proposal is therefore considered to be acceptable.
- 17.4 In conclusion, it is considered that the benefits of the scheme outweigh any adverse impacts and, as such, Members are recommended to resolve to grant planning permission subject to the conditions set out below.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to:

- Agreement with the Agent/Applicant to the pre-commencement conditions under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and delegated authority for officers to make changes to the wording of conditions as necessary;
- The signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting to deliver the obligations set out at paragraph 14.3. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement; and

18.2 The Permission being subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

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

Site Location Plan 1:1250 001 – A,
Masterplan 1:500 002 – F, 1:500 003 – F,
Storey Heights Plan 1:500 004 - F,
Tenure Plan 1:500 006 – F,
Amenity Space Plan 1:500 007 – C,
Hard Surfacing Plan 1:500 008 – C,
House Type A 1:100 010 -,
House Type B 1:100 011 – B,
House Type C 1:100 012 - C,
House Type D 1:100 013 -,
House Type E 1:100 014 – C,
House Type F 1:100 015 – A,
House Type G 1:100 016 – D,
House Type H 1:100 017 – D,
House Type J 1:100 018 – D,
House Type K 1:100 019 – C,
House Type L 1:100 020 – A,
House Type M 1:100 021 – D,
Apartment Block - Plans 1:100 022 – E,
Apartment Block - Elevations 1:100 023 – E,
Garage Types 1:100 024 – A,
House Type N 1:100 025 - A
Car Ports 1:100 026 – C,
House Type B1 1:100 027 -,
House Type P 1:100 028 – A,
House Type P1 1:100 029 - B,
House Type C1 1:100 033 -,
House Type Q 1:100 034 - A
House Type Q1 1:100 035 - B,
Private Car Port 1:100 036 -,
Site Section 1:100 037 – B,
House Type R 1:100 038 -,
Canopy Types 1:100 039 -

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

3. Non Standard Condition - Code of Construction Statement

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

- Pre-adoption maintenance arrangements at the developer's expense for roads, kerbs, paths, street lights, dog and litter bins, open space (including litter picking), landscaping and the public realm generally.
 - Arrangements for the prominent display in a publicly accessible location of the following:
 - Site manager contact details. (email and telephone)
 - Out of hours contact details for the reporting of problems during construction
 - The display of the planning permission and all associated conditions and an approved layout drawing
 - Summarised build programme
 - Arrangements for the prominent display of a notice board in a publically accessible location within the area that will become the central open space providing information of the central open space with play facilities coming soon on that site.
 - Compound location
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - Overall build programme
 - measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - Delivery routing plan
 - Construction /delivery hours limitations
 - Concrete breaking methodology
 - Dust suppression
 - Tyre washing
 - Concrete plant location
 - Noise suppression (vehicles reversing alarms)
 - Site manager contact details for residents
 - Show house locations
 - Top soil mound positions
 - Recycled material storage areas
 - Local newsletter arrangements and catchment
 - Floodlighting
 - Fuel storage arrangements
 - Asbestos removal methodology
 - Demolition methodology
 - the erection and maintenance of security hoarding including decorative displays facilities for public viewing, where appropriate;
- Development shall not proceed until such details have been agreed in writing by the local planning authority and thereafter the developer shall comply with such detail as shall have been agreed.

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

4. Non Standard Condition - Access for Disabled Persons*

The two bed ground floor apartment shall be constructed to meet Building Regulation Part M4 Cat 3 (2) (a) adaptable with a wet room, suitable for a wheelchair user and the one bed ground floor apartment shall be constructed to meet Building Regulation Part M4 Cat 3 (2) (b) fully adapted.

Reason: To ensure that these units are suitable for disabled users.

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 unless otherwise approved in writing by the Local Planning Authority.

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

6. Non Standard Condition - Ownership/maintenance for SUDS

Prior to the first occupation of any of the dwellings hereby approved drawings clearly showing future intended ownership and maintenance responsibilities for every part of the site (including those parts comprising landscaping buffering and/or Sustainable Urban Drainage (SUDS) features on the periphery) shall be submitted to and approved by the local planning authority.

Reason: In order that the local planning authority can be satisfied that responsibility for maintenance of every part of the site can easily be established in the future in the interest of maintaining the quality of the environment and or public safety.

7. Non Standard Condition - Retention of garages

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

8. Non Standard Condition - Street names

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

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

9. 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

10. 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

11. 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.

12. 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11

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

13. 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 12.

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

14 – Non Standard Condition - Surface water drainage scheme

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

- Provide further evidence of exceedance flow routes, exceedance flows cannot flood existing properties. Please provide evidence of this.
 - Evidence of the provision of suitable 'urban creep' allowance
 - 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.
- The scheme shall subsequently be implemented prior to occupation.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

15 – Non Standard Condition - SUDS maintenance plan

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

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

16. Non Standard Condition - Minimise Risk of offsite flooding

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: The National Planning Policy Framework paragraph 163 and 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to unacceptable levels of water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

17. Non Standard Condition - 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.

18. Non Standard Condition - Sound insulation

Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime. The development shall thereafter be carried out in accordance with any details approved and shall be retained in accordance with these details thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

19. Non Standard Condition - Acoustic Barrier

A 2.5m acoustic barrier shall be provided in accordance with details and in a location, all to be submitted to and agreed in writing with the local planning authority, prior to the commencement of development. The approved barrier shall be erected prior to the occupation of any residential unit and shall thereafter be properly maintained so that it does not deteriorate and reduce acoustic performance.

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

20 – Non Standard Condition - Boundary Walls/Fences

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

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

21. Non Standard Condition - Materials To Be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

22. Non Standard Condition - Materials Shown on Plan to be Excluded

Notwithstanding any details shown within the submitted application, this permission expressly excludes the use of the external materials. No external materials shall be used until details of these have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out using these approved materials.

Reason: The materials proposed in the application are not considered to be suitable for use on this site and to ensure that appropriate materials are chosen which will secure a satisfactory appearance, in the interests of visual amenity.

23. Non Standard Condition - Refuse and Recycling As Shown

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

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

24. Non Standard Condition - Full Landscape Proposals

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

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

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.

25 – Non Standard Condition - Landscape Management Plan

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

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

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

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

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

27. Non Standard Condition - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

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

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

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

29. Non Standard Condition - Tree Canopy Hand Excavation

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

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

30 – Non Standard Condition - Construction traffic management plan

Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason: To protect highway efficiency of movement and safety in accordance with adopted as County Council Supplementary Guidance in February 2011

31. Non Standard Condition - Residential Travel Information Packs

No occupation of the development shall take place until the following have been provided Residential Travel Information Packs in accordance with Essex County Council guidance.

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

32. Non Standard Condition - Vehicle Parking

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

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

33. Non Standard Condition - Cycle parking

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety. To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

34. Non standard Condition - Artificial Lighting

All lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) during and post construction shall fully comply with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018).

Reason: In order to minimise risk of disturbance of potential features that may provide bat commuting and foraging habitat.

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

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

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

36. Non Standard Condition - Car Electric Charging Points

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

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

37. Non Standard Condition - Architectural Detailing

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

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

38. Non Standard Condition - Refuse and Recycling Facilities

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

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

39. Communal Storage Areas

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

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

40. Non Standard Condition - Details of Communal Cycle Parking

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

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

41. Non Standard Condition - RAMS Mitigation

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

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

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

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

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled

'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

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

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

4. ZT1 – Informative on Street Naming & Numbering

For the safety of residents, it is the developer's obligation to ensure that

1. street name signs are in place before the first property is occupied on any new street, and
2. each property is marked with a house number visible from the highway before occupation.

5. ZTC - Informative on Noise and Sound Insulation Competent Persons

PLEASE NOTE that, with regard to and noise measurement and sound insulation, a competent person is defined as 'someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience'.

6. ZTG - Informative on Section 106 Agreements

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

7. ZTJ - *Informative on Land Contamination Advisory Note*

PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime.

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an "Appropriate Person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the

Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes.

The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site.

The Local Planning Authority will provide a Validation Certificate mentioned in Condition 13 for completion by the applicant/developer. This certificate will not only provide confidence in the site for the local authority in terms of development control and the Part IIA regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process.

8. Non Standard Informative

Environment Agency Advice to applicant

New development within 250m of an existing landfill (waste) facility could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. The severity of these impacts will depend on the size of the facility, the nature of the waste it takes and prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.