
Appeal Decision

Site visit made on 16 December 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Appeal Ref: APP/A1530/W/25/3372736

Land to the east of Port Lane, Colchester, CO1 2FT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by LNT Care Developments against the decision of Colchester City Council.
 - The application Ref is 242622.
 - The development proposed is erection of a three storey 66 no. bedroom care home for the elderly (Use Class C2) with associated access, parking, landscaping and ancillary buildings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a three storey 66 no. bedroom care home for the elderly (Use Class C2) with associated access, parking, landscaping and ancillary buildings at Land to the east of Port Lane, Colchester, CO1 2FT in accordance with the terms of the application, Ref 242622, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I am also the appointed inspector for appeal APP/A1530/W/25/3370624: erection of 83 dwellings with public open space, landscaping and vehicular access from Port Lane at Land East of Port Lane: Former MAN Energy / Paxman Factory, Colchester, CO1 2NX. This is subject to a separate decision, and I shall refer to it as Appeal A within this decision.
3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issue

4. The Council have confirmed that following the submission of additional evidence as part of the appeal in relation to flooding and impact on trees, its second and third reasons for refusal have been satisfactorily addressed, subject to suitably worded conditions. The appellant has also submitted a duly executed legal agreement which I have taken into account and the obligations contained within it deal with the fourth and fifth reasons for refusal. I will contemplate this further later in my decision.

5. Therefore, the main issue in this appeal is whether the proposed development achieves an appropriate standard of design and place making.

Reasons

6. The appeal site forms part of the housing allocation at Port Lane, Colchester under Policy SG2 and Policy EC3 of the Development Plan, which comprises the Colchester Borough Local Plan 2013–2033: North Essex Shared Strategic Section 1 Plan (2021) and the Colchester Borough Local Plan 2017–2033 Section 2 (2022) (DP).

Piecemeal Development

7. Policy EC3 of the DP supports development within Land at Port Lane where it provides up to 130 dwellings of a mix and type compatible with surrounding development, includes access via Port Lane, and requires contamination mitigation measures and contributions towards flood risk solutions. The policy does not stipulate the need for a comprehensive masterplan. However, given the size and scale of the allocation, it may not have been envisaged that the site would be subdivided into three separate parcels, each coming forward independently.
8. The Port Lane allocation is currently subject to three separate proposals for redevelopment, two of which are before me at appeal, with the third under consideration by the Council. The site also benefits from an extant outline planning permission for up to 130 dwellings on the part of the site subject to both Appeal A and B.
9. It has been put to me that the site is being developed in a piecemeal manner, lacking a comprehensive masterplan, and that this is evidenced by the two appeal schemes being served by separate vehicular accesses and that this approach undermines the place-shaping principles of Policy SP7, which seek well-connected, cohesive development, and the design standards of Policy DM15, which require layouts that integrate positively with their context.
10. However, Policy EC3 does not require a masterplan, and the absence of one cannot, in itself, amount to a policy conflict. The evidence before me does not demonstrate that considering the schemes individually would prejudice the development of the allocation as a whole. Both proposals utilise existing access points onto Port Lane and serve different development types. On this basis, I am satisfied that the development, in principle, does not result in a conflict with policy EC3.

Layout and Design

11. Policy SP7 of the Development Plan sets out place-shaping principles requiring development to respond positively to local character and context, deliver well-connected and legible streets and spaces, and create high-quality public and private realms that enhance the quality of existing places. Similarly, Policy DM15 requires proposals to achieve a high standard of design, respecting and integrating with their surroundings in terms of layout, scale, form, and detailing, and establishing a visually attractive sense of place through good architecture and landscaping.

12. Port Lane includes a mix of commercial, industrial and residential development, and the site formerly comprised large structures associated with the previous industrial use of the site. Given this varied context, the proposed three-storey building would be compatible with the surrounding urban form, would sit comfortably in the streetscape and would not significantly affect the area's established compact urban character.
13. Furthermore, having regard to the scale of the proposed building, the approved parameter plan for the outline application indicated up to three storey development along the frontage with Port Lane. The building would also be set lower than Port Lane, reducing its overall scale when viewed from the street.
14. The single access point to serve the proposed development would provide access to the parking and turning area located to the rear of the care home, this ensures that these areas are not overly dominant within the street scene and respects the visual relationship with Port Lane. These areas will also be overlooked by residents and employees having regard to the number of windows facing onto the access and parking area.
15. There is a lack of connection between the appeal site and the adjoining parcels of land, however noting the use of the site as a care home which requires a degree of site security, this in itself is not fatal to the overall design of the scheme. The site is readily accessible from Port Lane and wider pedestrian connections are only a short walk from the entrance to the site, as such pedestrian and cycle access to the site would not be compromised.
16. The layout shows that the building would be set back from the road, enabling the frontage of the site to be landscaped and that the proposal would be served by a single access enabling the introduction of a frontage hedgerow. The elevations demonstrate how the building has been designed to include elements of set back, bay windows and hipped roofs to break up the expanse of the frontage of the building.
17. It has been put to me that the elevation fronting onto Port Lane would not represent the frontage of the building. However, I am satisfied that given the fenestration and design of the building with individual doors opening out onto the amenity space from ground floor rooms that the building would be appropriate in its relationship with Port Lane, despite the main entrance to the building being located on the rear elevation, providing access from the car park for staff and visitors.
18. The care home would be served by amenity space which wraps around the building. Whilst it has been stated that the development is provided with a poor standard of amenity space, there is nothing before me to suggest the size of the area provided is insufficient to meet the needs of the proposed occupiers and any level of shortfall has not been quantified. The areas have been designed into smaller pockets to serve the ground floor rooms, whilst remaining available to all as they are not subdivided. There is a larger area of amenity space provided at the end of the building and this will be accessed from the proposed garden room and also will be overlooked at first and second floor by the communal areas of the library and quiet lounge.

19. The appellant has set out high standards of amenity in terms of both internal living conditions and external open space are fundamentally important to their offer and that the amount and configuration is provided in line with relevant guidelines and legislation. Whilst I have not been provided with the legislation to which they refer, I have nothing to suggest that the areas provided would not meet those standards.
20. The Council has concerns with the use of mechanical ventilation for the building, however I have nothing before me to suggest that the windows in the building would not be openable or that the use of mechanical ventilation would have an adverse effect on the living conditions of future occupiers. The evidence before me also indicates that such measures would be in accordance with building regulations.
21. In conclusion, the design of the building which would minimise the impact of the development on the street scene and the introduction of further landscaping, would enhance the character of the area. Therefore, the proposed development would introduce a built form to the locality that would not be harmful to the character and appearance of the surrounding area, in accordance with policies SP7 and DM15 of the DP which together require development to respond positively to local character and to be designed to a high standard.

Other Matters

22. The appellant has provided a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. I have considered the obligations in light of the Framework, Planning Practice Guidance and the Community Infrastructure Levy Regulations (the CIL Regulations). These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
23. Local Plan Policy SP6 indicates that all development must be supported by the provision of the infrastructure that is identified to serve the needs arising from the development. It sets out that it will work with developers to facilitate the delivery of a wide range of social infrastructure. Contributions will be sought to mitigate the adverse effects that new development may have on the local community and infrastructure. Policy SG7 states development will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development. Small sites can have a cumulative effect on infrastructure and proportional contributions will be sought from all developments where this is demonstrated to be the case.
24. The fourth schedule (County Council Obligations) at Part 1 requires a workplace travel plan monitoring fee to be paid upon first occupation of the development. There is no definition of a workplace travel plan, with the definition being given for a residential travel plan. It sets out that this is the travel plan secured as a condition of the planning permission.
25. The Council in their list of suggested conditions, have provided a condition where the need for a travel plan is triggered if the approved development employs 50 or more employees. This is imprecise as it does not set out whether this is full time equivalent or would be the total number, whether full or part time. It would also be difficult to monitor when the threshold of 50 employees was reached.

26. The appellant's evidence suggests that it intends to employ between 40-50 people, but that a maximum of 24 are likely to be on site at anyone time. Therefore, there is a lack of evidence that a travel plan, and therefore the associated monitoring fee is required.
27. Consequently, I am unable to conclude that the contribution relating to the workplace travel plan monitoring fee would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and as such this obligation should be disregarded from the Section 106.
28. The legal agreement facilitates a number of other financial contributions which are evidenced within the Council's delegated report which sets out how the contributions would be used. It also secures the provision of open space and amenity areas and restricts the use of the building for the care of the elderly within use Class C2.
29. On this basis, I consider these other obligations accord with the criteria of Regulation 122 of the CIL and with paragraph 57 of the Framework. I can therefore reasonably take them into account.

Essex Coast Recreational Avoidance Mitigation Strategy

30. The appeal scheme proposes dwellings on a site that lies within the Zone of Influence for the Essex Coast Natura 2000 designations (in particular the Colne Estuary Special Protection Area and Ramsar site, the Blackwater Estuary Special Protection Area and Ramsar site, Abberton Reservoir Estuary Special Protection Area and Ramsar site, the Stour and Orwell Estuaries Special Protection Area and Ramsar Site and the Essex Estuaries Special Area of Conservation).
31. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the aforementioned Habitat sites. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
32. Since the development is for a care home, the number of additional recreational visitors would be minimal and the likely effects on the Habitat sites from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.
33. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
34. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.

35. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the Habitat sites.
36. The appellants have submitted a legal obligation containing provision for a contribution to fund the Essex Coast RAMS which has been calculated based on a formula provided by Natural England which recognises that recreational pressure arising from care homes is less than that arising from residential development.
37. The Council have confirmed that the amount set out in the legal obligation is less than the figure sought by Natural England but that the appellant has made a direct payment for the outstanding balance. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, the evidence before me indicates that as a responsible public body it will act responsibly in administering the mitigation strategy.
38. Given the evidence before me I am satisfied that the mitigation measures have been secured, through both the planning obligation and direct payment, and would be used for their intended purpose.
39. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation scheme would count as mitigation toward maintaining the integrity of the sites.
40. I have also taken into account the range of matters raised in the representations received including issues such as highway safety, impact on residential amenity, risks arising from anti social behaviour and pressure on existing infrastructure. However, there is no evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Therefore, none of the concerns raised provide a compelling reason why planning permission should not be granted

Conditions

41. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have attached conditions relating to the time limit for commencement of development and I have also included a condition specifying the relevant plans as this provides certainty. (1-2)
42. In order to protect below ground heritage assets I have imposed a condition to require a scheme of archaeological investigation and for these findings to be recorded and preserved. (3)

43. In order to respect the character and appearance of the area I have imposed conditions requiring the external facing materials, architectural detailing of the development and details of all new plant, extract ducts, vents, grills and meter housing to be submitted and agreed (4-6). In addition conditions are necessary for the same reason for levels of the site (7)
44. In order to ensure that any trees within the site are protected during construction I have imposed a condition requiring an Arboricultural Method Statement and Tree Protection Plan and supervision during works within or adjacent to RPAs. (8-9)
45. In order to enhance the character and appearance of the development details of the hard and soft landscaping are required, along side the submission of a landscape management plan. (10-11)
46. To manage the surface water environment of the scheme a condition is necessary that secures a detailed surface water drainage scheme to be submitted to and agreed by the Council. (12-14)
47. To protect and enhance biodiversity I have found it necessary to impose a condition requiring the submission of a Habitat Management and Monitoring Plan to be submitted and agreed, implemented and maintained. (15)
48. The submission and implementation of a construction method statement is necessary to minimise detrimental effects to the living conditions of neighbouring residents and ensure highway safety during the construction phase. (16)
49. To ensure that any unexpected contaminants are correctly identified and remediated to ensure that the future users of the site are protected from risks associated with contaminants it is necessary to require an assessment of the risks posed and details of remediation. (17 - 19)
50. In order to ensure appropriate living conditions for future and existing occupiers, I have imposed a condition relating to the control of fumes, smells and odours and to limit noise from plant and equipment installed on the site. (20 & 22)
51. In order to ensure that the safety of pedestrians and cyclists I have imposed a condition requiring the provision of a footpath/cyclepath along the Port Lane frontage of the site, which require the works to be completed prior to the occupation of any dwelling. (21)

Conclusion

52. For the reasons given above the appeal should be allowed.

G Pannell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than [three] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos CO1 2FT A-01 (Location Plan); CO1 2FT A-03 (Proposed Site Plan); CO1 2FT - A-04 (Proposed 3 Storey Care Home Floor Plans); CO1 2FT - A-04.1 (Proposed 3 Storey Care Home Floor & Roof Plans); CO1 2FT - A-05 (Proposed Elevations); CO1 2FT A-07 (Proposed Site Sections).
- 3) No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

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

- 4) 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.
- 5) Notwithstanding the details submitted, no development shall commence (above ground floor slab level) until additional drawings 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 window detailing (including details of the depth of reveal); rooflights to be used; doors, cills, lintels, eaves, verges, ridge, brickwork /stone work detailing; porches and canopies; recessed/projecting/decorative brickwork and cladding; balustrades; and any rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate. The

development shall thereafter be implemented in accordance with the approved additional drawings.

- 6) No development shall commence (above ground floor slab level) until full details (including position) of all new plant, extract ducts, vents, grilles and meter housings have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 7) No development shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.
- 8) No development or site clearance shall commence until an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 has been submitted to, and agreed in writing by, the Local Planning Authority. These must show:
 - The precise location and specification of protective fencing;
 - Ground-protection measures and exclusion zones;
 - Detailed methodology for works within or adjacent to RPAs (e.g. fencing post installation, retaining wall works, and service routing);
 - Construction sequencing, soil-handling precautions, and material storage;
 - A schedule of arboricultural supervision and monitoring by the project arboriculturist.
- 9) No development shall commence until a suitably qualified arboriculturist has been appointed to carry out supervision and monitoring of all works within or adjacent to RPAs. Supervision records shall be submitted to the LPA upon request and at key project stages.
- 10) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a statement setting out the design objectives and how these will be delivered;
 - earthworks showing existing and proposed finished levels or contours;
 - means of enclosure and retaining structures;
 - boundary treatment[s];
 - vehicle 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, etc.];

- proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
- retained historic or other landscape features and proposals for restoration, where relevant;
- lighting, floodlighting and CCTV;
- 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
- an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 11) 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.
- 12) No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753 and groundwater level monitoring. Additionally, ground investigations should be undertaken to identify any areas of made ground or contamination and any necessary remediation measures to be carried out, as infiltration should not occur on made ground.
 - The soakaway should be located a minimum of 5m away from any foundations and no closer than 6m to an adjacent highway.
 - If infiltration is demonstrated as unviable, then the discharge rate should be limited to the 1:1 Greenfield runoff rate for all storm events up to and

including the 1 in 100 year rate plus 45% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Any SuDS features located within made ground to be lined with an impermeable membrane.
- Final modelling and calculations for all areas of the drainage system. Calculations to include the 1 year storm event.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- As the site is within a Critical Drainage Area, water butts are to be considered.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

- 13) Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

- 14) 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.
- 15) No works shall take place until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and shall include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the (HMMP);

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan and which shall prioritise the provision of biodiversity gains within the blue lined land to the north of the site known as Wivenhoe Cross Pit Local Wildlife Site;

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Notice in writing shall be given to the Council when the:

(a) HMMP has been implemented; and

(b) habitat creation and enhancement works as set out in the HMMP have been completed.

No occupation/beneficial use of the development hereby permitted shall take place until:

a. the habitat creation and enhancement works set out in the approved HMMP have been completed; and

b. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

- 16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 17) No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially

contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 18) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 19) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 20) Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester City Council's Guidance Note for Odour Extraction and Control Systems and current EMAQ guidance. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.
- 21) Prior to the first occupation of the development hereby permitted, a minimum 3.5- metre-wide footpath/cyclepath shall have been provided and completed

along site's Port Lane frontage, the details of which shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development.

- 22) The site's plant and equipment shall not exceed 0dB(A) above the background levels determined at all facades of noise-sensitive premises.