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**Item No:** 7.2

**Application:** 212506

**Applicant:** Victoria Player, L3 Properties Limited

**Agent:** Stanley Bragg Architects Limited

**Proposal:** Mixed use development comprising nursery at ground floor level and residential units at first floor with associated parking and landscaping as a part of Neighbourhood Centre NC2

**Location:** Chesterwell Day Nursery, Cordelia Drive, Colchester

**Ward:** Mile End

**Officer:** Nadine Calder

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee because it is a major application (on site area) and is the subject of a legal agreement. It has also attracted one letter of objection.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the proposed use, design, layout and scale of the development together with the provision of parking and landscaping.
- 2.2 It is considered that the proposed development represents an appropriate use for this area, is acceptably designed, fits in well with development in the surrounding area and avoids any materially harmful impact on existing built development surrounding the site.
- 2.3 The application is subsequently recommended for approval subject to conditions and a legal agreement.

## **3.0 Site Description and Context**

- 3.1 The application site relates to the north eastern part of the neighbourhood centre, also known as Parcel NC2, which is located centrally within the wider Chesterwell development and is accessed via Carris Close off Wildeve Avenue to the north east.
- 3.2 Immediately to the south west of the site, beyond the Plaza, is the neighbourhood centre building 2 location (also known as Parcel NC1b), beyond which lies building 1 (Parcel NC1a) which is currently under construction. To the north east of the site as well as on the opposite side of Wildeve Avenue to the east and Cordelia Drive to the south there are completed and occupied residential dwellings. To the north east is the secondary school site of Parcel EDU1.

## **4.0 Description of the Proposal**

- 4.1 The proposed development relates to the construction of a two storey, five-bay asymmetrically gabled building, comprising a children's nursery at ground floor and four residential units at first floor, together with associated parking and landscaping.

## **5.0 Land Use Allocation**

- 5.1 The site is allocated as a Neighbourhood Centre as part of the wider Chesterwell development (please refer to Relevant Planning History below).

## **6.0 Relevant Planning History**

- 6.1 Key to the consideration of this application is the outline planning permission that was granted for a mixed-use development comprising 1,600 residential units, retail and education uses, open space and green infrastructure and highway works (reference 121272) (and any subsequent non-material amendments which include amendments to the size of the neighbourhood centre).
- 6.2 Planning permission was granted conditional upon reserved matters being submitted in accordance with the Development Framework Plan, which is supported by further Parameter Plans. These set out a number of requirements for development, including in relation to development areas, green spaces and building heights.
- 6.3 The site, which is also referred to as 'Building 3' or 'Parcel NC2' within the neighbourhood centre, already benefits from planning permission (reference 191933) for a mixed-use development comprising flexible commercial units and 4 residential units, however, it is understood that this application will not be implemented in favour of the proposed development the subject of this current application. This is beneficial as the approval is at odds in terms of design with the other approved structures (buildings 1 and 2) and would not deliver a cohesive design aesthetic across the neighbourhood centre.
- 6.4 This current application is a so called 'drop-in' application which means that it is a standalone application for full planning permission and not an application for the approval of reserved matters following the outline permission. The approved parameters of the outline permission, whilst informative, do therefore not have to be complied with although to some degree, for example when assessing the design, layout and scale of the proposed development, they can act as a guide.
- 6.5 As set out above, this application is an alternative to the previously approved development on this site known as parcel NC2 and if Members are minded to approve this current application, to avoid any confusion and in the interest of proper planning, it is suggested that a condition is imposed to ensure only one of the two permissions is implemented.

## **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  
SD3 - Community Facilities  
CE2c - Local Centres  
H1 - Housing Delivery  
H2 - Housing Density  
UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:  
DP1 Design and Amenity  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP4 Community Facilities  
DP7 Local Centres and Individual Shops  
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
- 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 NGA1 Appropriate Uses within the North Growth Area  
SA NGA2 Greenfield Sites in the North Growth Area  
SA NGA3 Employment Uses in the North Growth Area
- 7.5 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.6 Adopted Local Plan and Emerging Local Plan Status – March 2021

## **Overview**

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan underwent examination in April 2021 and consultation on the Inspector’s modifications has now been completed. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

The Council can demonstrate a five year housing land supply.

## **Adopted Section 1 Local Plan**

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website [here](#).

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

## **Emerging Section 2 Local Plan**

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 submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

- 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
  - Community Facilities
  - Open Space, Sport and Recreation
  - Sustainable Construction
  - Managing Archaeology in Development.
  - Myland Parish Plan AND Myland Design Statement

## **8.0 Consultations**

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Archaeology Advisor confirmed that the proposed development is at a location that was previously archaeologically evaluated as part of the greater Colchester northern expansion planning application. This area of trenches was negative for significant archaeology. There are therefore no archaeological recommendations in relation to this new application.
- 8.3 The Contaminated Land Officer does not object to the proposed development subject to conditions.
- 8.4 Environmental Protection raise no objection to the proposal subject to a condition that restricts the hours of work.
- 8.5 The Landscape Officer raised no objections to this application on landscape grounds.
- 8.6 The Urban Design Officer does not object to the proposal in principle but has raised concerns with regards to the detailed design features (mainly with regards to an unfortunate mix of symmetry and asymmetry in the same elevation).
- 8.7 The Highway Authority does not object to the proposed development on highway safety grounds subject to conditions.

## **9.0 Parish Council Response**

- 9.1 The Parish Council have stated that they support the application but would make the following observations:
- Can it be assured that the 11 car parking spaces for the nursery will not create parking/congestion problems for the 24 employees.
  - Has any thought been given to housing an electric charging point on the nursery premises?

## **10.0 Representations from Notified Parties**

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

10.2 One letter of objection from the Colchester Cycling Campaign was received stating that there should be additional cycle provision for both the residential development and nursery staff as well as spaces for non-standard cycles, including cargo bikes.

### **11.0 Parking Provision**

11.1 The application includes 11 vehicle parking spaces for the nursery and 8 for the residential dwellings. In addition to that, a total of 14 cycle spaces are proposed.

### **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of potential direct or indirect discrimination.

### **13.0 Open Space Provisions**

13.1 The proposed development includes appropriate provision of private amenity space and there is no need for any public open space to be provided.

### **14.0 Air Quality**

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

### **15.0 Planning Obligations**

15.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations/contributions that would be required as part of any planning would be:

Parks & Recreation - £14,996.08 Offsite

Project: Mile End Sports Ground

Community - £6,180.24

Project: Contribution towards furnishing the Chesterwell Community Centre which will serve as a multi-use and inclusive community space for the residents of Mile End. Funding is required to ensure maximum provision of a variety of services and activities to meet the needs of the community.

Highways - £5,000 (index linked)

Contribution to be spent towards introducing waiting restrictions if pick up and drop off becomes such a problem that the Highway Authority should intervene.

Contribution to be retained for a maximum of five years from payment (prior to occupation) and any unspent monies plus interest to be returned after the five years.

## **16.0 Report**

### Principle of Development

- 16.1 The site forms part of the neighbourhood centre for the wider Chesterwell development which comprises commercial, retail and residential uses. Planning permission was previously granted for the site to provide a mixed use development comprising flexible commercial units and 4 residential units. The proposed Class E(f) (former D1) use, more specifically, the proposed children's nursery (as should be specified as part of any permission granted), together with the proposed residential use at first floor, is considered compatible with the general function of the neighbourhood centre and is therefore acceptable in principle.
- 16.2 Given that this is a standalone application for full planning permission, the proposed development does not have to be assessed against the approved parameters of the outline permission, however, with development in the neighbourhood centre currently being under construction, it will be important to ensure that the proposed development would fit in with and complement the wider design, scale, layout and function of the neighbourhood centre. The following paragraphs will deal with the details of the scheme.

### Design, Layout and Appearance

- 16.3 The National Planning Policy Framework (the Framework) recognises the importance of good design which is reflected in Development Policy DP1 and Core Strategy Policy UR2 as well as Section 1 Plan Policy SP7. These policies state that all proposals should be well designed, having regard to local building traditions, and should be based on a proper assessment of the character of the application site and the surrounding built and natural environment.
- 16.4 The application building is located on the northern end of the commercial aspect of the neighbourhood centre which will consist of three larger structures. Buildings 1 and 2 which sit to the south west of the proposed development were recently granted permission (references 201014 and 210851) and are currently under construction. Building 1 as approved presents a series of parallel gabled vernacular forms, with predominant materials varied between ground and first floors. Cohesion between the two floors was achieved by a consistent rhythm, relying on horizontal symmetry, dictated by the gables. Pedestrian scale was established by recessed brickwork bays at ground floor level. The proportions of openings varied but maintained the horizontal symmetrical rhythm and contributed to an element of vertical symmetry between floors. As a result of these characteristics the structure established a distinctive identity.
- 16.5 Building 2 replicates building 1's series of parallel gabled vernacular forms and predominant use of materials. Albeit the ridges sit perpendicular to those of



building 1, the gables are of slightly reduced scale and adopt a slightly varied pitch. The building also utilises recessed brickwork bays to achieve pedestrian scale at ground floor level. In this regard, the structure achieves conformity and consistency with the design of building 1. Building 2 also features an additional asymmetric gable which sits perpendicular to the series of gables identified above. This gable sits in a prominent location within the street scene and seeks to establish a focal point or landmark.

- 16.6 Building 3, the structure the subject of this application, builds on the architectural approach that has been adopted for the two other buildings and proposes a series of asymmetric gables with a central front projecting gable. This extruded bay, which contains the entrance to the ground floor, however, lacks emphasis. Similarly, unlike buildings 1 and 2, this current building lacks a consistent rhythm due to the manner in which materials and openings are applied to the gables. There is also a lack of synergy between the ground and first floor. This is a result of the fact that the first floor residential units are a mirror of each other around a central core and the design of each gable cannot therefore be the same. Some changes to the central gable to add emphasis were secured (by removing the terrace and bringing the glazing further forward) and this is considered to enhance the appearance of the building and tie it in more appropriately with previously approved development within the neighbourhood centre. Subject to this, it is considered that, on balance, the detailed design and appearance of the proposed building would appear broadly similar to the approved buildings, thus forming a cohesive group.
- 16.7 The proposed materials include bricks at ground floor, within which a variety of textures, signage and glazed elements are proposed, and coloured horizontal and vertical cladding at first floor. Windows and doors would be made of colour coated metal frames and the roof would be a colour coated metal standing seam. The proposed materials are consistent with buildings 1 and 2 and are therefore acceptable.
- 16.8 There are no policies or guidance within the Myland and Braiswick Neighbourhood Plan or the Myland Parish Plan and Myland Design Statement that would contradict the above assessment.
- 16.9 Overall, it is considered that the design of the proposed development is acceptable.

### Impact on the Surrounding Area

- 16.10 The site has been granted permission for a neighbourhood centre as part of the outline planning permission. Neighbouring development comprises mixed-use buildings to the south west, educational use to the north west and residential use to the north, east and south. The proposed mixed-use development is considered to be an appropriate use for this location. Landscaping features will provide softening effects on the wider area and the arrangement would ensure that no material harm would be caused to the amenities of neighbouring occupiers, be it residential, commercial or educational uses. As a result, it is held that the proposal would have an acceptable impact on the surrounding area.

### Impacts on Neighbouring Properties

- 16.11 Section 1 (CBLP 2017-2033) Policy SP7 and Development Plan Policy DP1 require 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. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 16.12 Residents to the north, east and south of the site are sufficiently far removed from the proposed development so as to not have an impact on the private amenity of these residents, either through overlooking, overshadowing or appearing overbearing on their outlook. Furthermore, the principle of the use of this site (i.e. the provision of a neighbourhood centre with associated infrastructure) is established and previous commercial and residential development on this site was approved (with this permission still being extant). There are therefore no real concerns that the development would cause any harmful impact on existing residential occupiers in the vicinity of the site.
- 16.13 The commercial premises at ground floor are proposed to be occupied by a children's day nursery, with welfare/training facilities being provided on the first floor. The private amenity space for the residential units at first floor, which is provided in the form of a balcony, is proposed to the front of the building, thus not being adversely affected by the outside play space for the nursery, which is provided to the rear of the site. The balconies would also provide natural surveillance to the plaza area which the building fronts on to.
- 16.14 The outside play area for the nursery itself has the potential to be overlooked by the proposed bedroom windows. This was raised as a potential issue with the applicant prior to the submission of this formal application, however, they are content that, as a result of the residential development being managed by themselves, should any issues arise, they could be addressed directly between the relevant parties.

- 16.15 Furthermore, in terms of noise, the proposed development was assessed by Environmental Protection and no concerns were raised or conditions suggested with regards to any mitigation required as a result of the nearby A12 / A134 or the proposed residential use over a children's nursery.
- 16.16 On the basis of the above, it is considered that the proposed development does not cause any materially harmful impacts on the amenities of existing residents nearby or future occupiers of the proposed building.

#### Private Amenity Space

- 16.17 Each of the four residential units would benefit from a balcony although it is noted that these may not be policy compliant in that they are smaller in area than the required 25sqm. Notwithstanding this, it would provide an area for residents to undertake normal domestic activities, for example drying their clothes. The site is located in close proximity to a number of extensive public open spaces across the wider Chesterwell development. Furthermore, it is not uncommon for flats above commercial premises to benefit from limited outdoor space. As such, considering the fact that there is some private amenity space provided and ample opportunity to access a wide range of public open spaces within a short walking distance, it is considered that the conflict with Development Policy DP16, which sets out minimum private amenity standards for residential development, is not significant enough to warrant a refusal.

#### Landscape

- 16.18 Development Plan Policy DP1 also requires 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.
- 16.19 The Landscape Officer has confirmed that they are satisfied with the proposed landscape element. The principle of this is therefore considered acceptable, with the details to be the subject of a discharge of condition application in order to assess full details of both hard and soft landscape proposals.

#### Parking and Highway Matters

- 16.20 Vehicular access to the site is proposed to north of the site, from Carris Close off Wildeve Avenue. This would lead to the rear of the proposed building where a total of 19 parking spaces are proposed. Eight of these spaces would be allocated to the four residential units with the remaining eleven being used by the nursery.
- 16.21 The Vehicle Parking Standards SPD, to which Development Policy DP19 refers, provides the parking standards for commercial and retail development. For residential development, dwellings with two or more bedrooms require a minimum of two off street parking spaces, plus 0.25

visitor spaces per unit. The proposal is therefore one space short of this requirement (i.e. a visitor space). Whilst this is not ideal, it is not considered that a refusal on this basis could be justified given the parking spaces available in the wider neighbourhood centre and the sustainable nature of the location.

- 16.22 With regards to the commercial use, prior to the new use classes E and F coming into force, the requirement for the proposed use would have been a maximum of 1 space per full time equivalent staff plus drop off/pick up facilities. The application form states that 24 FTE jobs would be created.
- 16.23 The application is supported by an interim Travel Plan which states that a total of 20 FTE jobs would be created. It also explains that out of the 11 spaces, five would be for pick up and drop offs and six for staff. The Travel Plan explains that it is expected staff will *“typically live close to the sites and can therefore easily walk or cycle to work. The operator has an established focus on recruitment within the local community and has developed strong links with schools and colleges in Colchester.”* New members of staff will be provided with a welcome pack which encourages walking or cycling to the site, using public transport, a taxi or car share.
- 16.24 It is also understood that with a nursery, drop off and pick up times are not set times and whilst there are core hours, children will be dropped off and picked up throughout the day, rather than at fixed times. Similarly, this is a community use, and it is expected that some parents will walk to the nursery with their children. Cycle racks and a buggy store are provided to encourage walking and cycling to and from the site. Taking into account all of the above, and being mindful of the parking standards setting out maximum requirements, it is considered that the proposed parking provision is acceptable in this instance. The provision of electric charging facilities can be encouraged via informative.
- 16.25 The proposal includes the provision of one disabled space, which would be compliant with the policy requirement.
- 16.26 With regards to cycle parking, secure and covered cycle spaces for the residential units are provided. As set out above, a further 10 spaces are provided for the nursery. Whilst the latter provision would not be policy compliant, it should be noted that the majority of children are too young to cycle to the site. For staff, the proposed provision is held to be acceptable. On this basis, whilst noting the objection that was submitted by Colchester Cycling Campaign, taking a pragmatic approach, and having regard to the proposed use, it is held that the proposed provision is acceptable.

#### Refuse & Recycling

- 16.27 The proposal includes an externally accessed and secure refuse storage area in the proposed car park. The facilities are accessible and sufficiently convenient. No objection was raised by Environmental Protection, and this is therefore considered to be acceptable.

### Contamination

- 16.28 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 16.29 The Contaminated Land Officer notes that this proposed mixed use development would be particularly vulnerable to any contamination, if present on site, due to the proposed residential use. The supporting information states that contamination matters were 'covered by the overall Neighbourhood Centre planning consent'. However, from the information provided, the Contaminated Land Officer is unable to confirm whether or not the information being relied upon includes sufficient and appropriate contamination risk assessment. Consequently, as agreed with the agent, any permission should be subject to the standard contaminated land conditions.

### Other Matters

- 16.30 A Habitat Regulation Assessment was carried out which concluded that subject to an appropriate financial contribution towards Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being made, the impact of the proposed development would be acceptable. This relevant mitigation payment will be secured via the legal agreement.

## **17.0 Conclusion**

- 17.1 The Framework 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: an economic, social and environmental dimension. In respect of the first of these, the current proposal would provide significant economic benefits through the creation of a minimum of 20 FTE jobs together with temporary jobs during the construction phase.
- 17.2 The social role of sustainable development is describe as fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs. The design of the proposed development, on balance, is considered satisfactory as it is considered to broadly complement buildings 1 and 2 in the neighbourhood centre which are currently under construction, thus providing the area with an identity. The proposal would also provide a service to the community in the form of a childcare provider.
- 17.3 In respect of the third dimension (environmental), the proposal would have a neutral to positive impact on the environment. The site is currently a greenfield site, albeit of low biodiversity value, and it has been granted outline permission to be developed for the purpose of a neighbourhood centre. The loss of the greenfield site has therefore been accepted. The

provision of soft landscaping features would provide an improvement in terms of biodiversity.

- 17.4 The proposed development would therefore represent sustainable development. There is also sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network. The proposal is therefore considered to be acceptable.

## **18.0 Recommendation to the Committee**

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to 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. 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. The Permission will also be 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 drawings**

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

6743/1101 Site Location Plan & Block Plan

6743/1104 Proposed Site Plan

6743/1201 Proposed Ground Floor Plan

6743/1202 Proposed First Floor Plan

6743/1301 Proposed Elevations

6743/1601 3D Views

Framework Travel Plan (Job Number: VN212124, dated 17/11/21)

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

### **3. ZBB – Materials as stated in application**

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

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

#### **4. ZAK - \*Alternative to Previous Permission only\***

This permission shall not be exercised in addition to the extant permission 191933 granted by the Local Planning Authority on 191933 but shall be an alternative to that permission. Should one of the permissions be implemented the other permission shall not be implemented.

Reason: In order to ensure that the two permissions are not both implemented as this would be considered to be an overdevelopment of the site and the implications of such a proposal would need to be carefully considered.

#### **5. ZFE – 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.

#### **6. Non Standard condition - Landscape Details**

No works shall take place above ground floor slab level 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:

- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.
- Car parking layouts and other vehicle and pedestrian access and circulation areas.
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans (drainage and building foundation detailing shall take account of the position of the trees as so indicated).
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

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

## **7. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)**

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

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

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

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

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

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

## **8. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)**

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

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



### **9. ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)**

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

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

### **10.ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

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

### **11.ZG3 - \*Validation Certificate\***

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 10.

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

### **12.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.

**13. Non Standard Condition – Parking to be laid out**

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, 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.

**14. Non Standard condition – Residential Travel Packs**

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport

**15. ZEA - \*Removal of PD - Part 3 of Article 3, Schedule 2 Changes of Use\***

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the commercial aspect hereby approved shall be used as a children's day nursery and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed.

**16. ZGA - \*Restriction of Hours of Operation\***

The use hereby permitted shall not BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07:00 – 18:00

Saturdays: not at all

Sundays and Public Holidays: not at all

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

**17. ZPD - Limits to Hours of Work**

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

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: None

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.

## 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](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### 3. 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.

### 4. 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.

### 5. Landscape Informative

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape [webpage: https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169](https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169) under Landscape Consultancy by clicking the 'read our guidance' link').

### 6. EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per

unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated).

### **INS – Highways**

All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to

[development.management@essexhighways.org](mailto:development.management@essexhighways.org)