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Item No: 7.1

Application: 170621

Applicant: Your Life Management Services Ltd

Agent: Mrs Kim Rickards

Proposal: Mixed Used Development comprising the Erection of Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly including communal facilities and car parking and Retail unit (Use Class A1)

Location: Land off, Butt Road, Colchester

Ward: New Town & Christ Church

Officer: Sue Jackson/Simon Cairns

Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application, material objections have been received and a conditional planning permission is recommended subject to a legal agreement.

2.0 Synopsis

- 2.1 The key issues for consideration are the site's planning history and policy, traffic generation and parking provision, neighbour representations, design and heritage issues.
- 2.2 The application is subsequently recommended for a conditional planning permission subject to the signing of a legal agreement.

3.0 Site Description and Context

- 3.1 The application site at Butt Road is known as Area K2 in the Garrison Urban Village Development Master Plan. The site has an area of 0.62 hectares and is located approximately 0.8 km to the south of the town centre.
- 3.2 It is a corner site with a dual frontage to Butt Road and Goojerat Road. It is separated from Goojerat Road by a fenced grassed area containing a group of lime trees protected by a Tree Preservation Order. Vehicular access to the site is established as provision was made when a new roundabout along Goojerat Road was constructed. The roundabout provides access to residential development on part of the former garrison and includes an access stub to the application site. The rear east boundary is adjacent to the Military Police Station but separated from it by a buffer security strip of land where development is prohibited.
- 3.3 The north boundary abuts undeveloped land also included in the Garrison Urban Village Development Master Plan known as Area K1; it is anticipated this area will be developed for residential purposes. Much of the planning history relates to applications which include both Area K1 and K2. Area K1 includes two locally listed buildings on the Butt Road frontage. The boundary of the Garrison Conservation Area generally follows the boundary between K1 and K2 but a small slither of the application site is within the Conservation Area.
- 3.4 The site is currently enclosed by security fencing, and previously contained a multi storey office building occupied by the Property Services Agency (PSA) a Government Department; the building was demolished several years ago. It is generally flat and contains one preserved tree of poor condition.

- 3.5 On the opposite side of Butt Road are a number of parallel roads which extend to Maldon Road. These residential roads, Errington, Constantine, Hamilton and St Helena, comprise predominantly 2 storey semi-detached pairs of red brick slate roofed Victorian houses. Hamilton Road School has a frontage to both Hamilton and Constantine Roads. Butt Road comprises houses of a similar age and design and includes a small number of shops on corner sites.
- 3.6 On the same side of Butt Road as the application but closer to the town centre, sections of the historic, and new, Garrison boundary wall abut the footway. Recent residential development, in this location is predominantly 3 storeys in height, and is either set behind the Garrison wall or abuts the footway. This development is traditional in both design and use of materials.
- 3.7 New residential development close to the site off Goojerat Road is of a contemporary style including coloured boarding, cream brick and render with some mono-pitched roofs, building heights are generally 2 or 3 storey, with a 3 storey building facing the site across the roundabout.

4.0 Description of the Proposal

- 4.1 This full planning application proposes mixed use comprising a retail unit of approximately 511 square metres, (gross) and a 48 unit “Assisted Living” Extra Care apartment block in linked buildings 3 and 4 storeys high.
- 4.2 The retail unit is contained in part of the ground floor with a sales area of 320 square metres, warehouse area of 130 square metres and back of house office of 35.6 square metres. There is also a small storage area of 21 square metres plus an open yard of 56 square metres. The pedestrian entrance to the store is from Butt Road. Vehicular access is as described above and leads to the rear car park. There is a pedestrian path from the car park to the store entrance.
- 4.3 The “Assisted Living” block comprises 23 one bedroom and 25 two bedroom units. It includes an estates managers’ office, staff sleepover accommodation to allow for 24 hour assistance, communal facilities such as a residents’ lounge, restaurant with catering kitchen, heavy duty laundry, electric buggy store and emergency call/ alarms. Landscaped gardens are proposed which will be managed by Yourlife Management Services Ltd.
- 4.4 The application involves linked buildings fronting the principle roads. The part of the building closest to the road junction and overlooking the new public amenity space is 4 storey and abuts the Butt Road frontage. The ground floor comprises the retail unit with 3 storeys of assisted living apartments above. A small 3 storey glazed link containing stairs and lifts connects this to a 3 storey building containing further assisted living apartments and communal facilities. These buildings are set back from the road frontage behind a new Garrison wall with pedestrian access points to the living accommodation. Landscaped courtyard gardens are indicated to the rear of the building. A separate car park is shown beyond the retail car park using the same vehicular access off the Goojerat roundabout.

- 4.5 The applicant is YourLife Management Services Ltd (a joint venture between McCarthy and Stone Retirement Lifestyles and Somerset Care). The supporting information states “McCarthy and Stone are the market leaders in the provision of specialist accommodation for elder people” and “The application site offers the opportunity of introducing a purpose built self-contained residential unit for the elderly at a significant focal point at a visually key location that better relates to the character of the area”. The applicant has confirmed they are discussing heads of terms with a well know retailer regarding the future occupancy of the retail unit.
- 4.6 Members are advised that since the submission of the original application your officers have sought amendments to the application. These amendments were to address concerns raised by the Urban Design Officer and Historic England relating particularly to the relationship of the retail element to the living accommodation, fenestration and detailed design, to negotiate an increase in the number of parking spaces in particular for the retail store and to design-out potential overlooking into Area K1 which is likely to be developed for residential purposes. The amendments have resulted in a slightly different footprint but with buildings of a traditional character and better reflecting the appearance of Garrison buildings; part of the building has increased to 4 storey, originally all the buildings were 3 storey. On the boundary with Area K1 a stepped form is now proposed and windows replaced with “dummy windows” removing the potential for overlooking and/or an overbearing impact. The number of parking spaces to serve the retail store has increased from 10 to 22.
- 4.7 The application includes the following supporting documents Planning Statement, Design and Access Statement, Flood Risk Assessment, Tree Survey, Tree Constraints Plan, Landscape Strategy, Archaeology Desk Based Assessment, Ecology Survey Report, Energy Statement, Site Investigation, Statement of Community Involvement, Transport Statement and a Travel Plan.

5.0 Land Use Allocation

- 5.1 Garrison Regeneration Area, Growth Area, Neighbourhood Centre (retail and/or other uses) Approved 8.07.2004 Colchester Garrison Urban Village – Master Layout Plan. The site is located within an area that was allocated as a Neighbourhood Centre in the Garrison Master Plan in 2001. This allocation was subsequently carried forward by the 2010 adopted Site Allocations DPD. Policy GAR1 provides for a 1000sqm (foodstore and three small shops); this policy does however note that ‘the levels of development [set out on policy GAR1] should not be considered prescriptive but a guide to inform development proposals’.

6.0 Relevant Planning History

- 6.1 120412 Local centre comprising a supermarket, 6 no retail units, affordable housing and car parking. The site of this application includes Areas K1 and K2. Planning permission granted but has now expired. The proposal exceeded the guideline figures, in that the proposed foodstore was 1,328sqm (net), and six retail units were approved rather than three.
- 6.2 100981 - Application for change of use and conservation of former MOD occupied single storey buildings (Blocks A, B C D1 & D2) to create 535m2 (A1 Retail and A2 Financial and Professional services) accommodation, along with associated works – Approved
- 6.3 100982 - Reserved matters application (O/COL/01/0009) for the erection of two buildings to create 1080m2 A1 Retail and A2 Financial and Professional Services (Block E & Ground Floor of Block F) Accommodation and 14no. Affordable units (Block F) with associated works – Approved
- 6.4 100983 – Reserved matters application (O/COL/01/0009) for the erection of two buildings to create 1080m2 A1 Retail and A2 Financial and Professional Services (Block E & Ground Floor of Block F) Accommodation and 14no. Affordable units (Block F) with associated works – Approved
- 6.5 102537 - Extant permission to extend time limit for implementation of reserved matters application under outline consent O/COL/06/0783; siting; design; external appearance, means of access and landscaping for the erection of food store and shops with associated parking. (Reserved matters reference 090905) - Approved
- 6.6 090905 - Reserved matters application under outline consent O/COL/06/0783; siting; design; external appearance, means of access and landscaping for the erection of food store and shops with associated parking.
- 6.7 O/COL/06/0783 - Demolition of existing offices and construction of food store and shops with associated parking
- 6.8 F/COL/04/0716 Variation of condition 02 of planning permission O/COL/01/0692 to further extend the period for a further two years in which to submit a reserved matters application - Approved.
- 6.9 F/COL/01/0692 Application to vary condition 1 of planning permission COL/98/0947 to further extend the period (for a further 3 years) in which to submit a reserved matters application - Approved.

- 6.10 O/COL/01/0009 A new urban village comprising residential development (up to approx 2600), mixed uses including retail, leisure and employment, public open space, community facilities, landscaping, new highway & transportation improvements associated and ancillary development in accordance and subject to the provisions of the master plan
- 6.11 98/0947 – Outline application for the erection of food store and shop units (Renewal of Application COL/94/1423).
- 6.12 95/1432 - Outline application for the erection of food store and flats with ancillary car parking and highway works - Refused 7 March 1996.
- 6.13 94/1423 - Outline application for erection of food store and shop units Approved 7 March 1996

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
- SD3 - Community Facilities
- CE2b - District Centres
- CE2c - Local Centres
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment

- 7.3 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
DP4 Community Facilities
DP7 Local Centres and Individual Shops
DP11 Flat Conversions
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

- 7.4 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 GAR1 Development in the Garrison Area

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

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

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 Anglian Water state:
- There are no assets owned by AW or those subject to an adoption agreement within the development site boundary
 - foul water drainage is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows
 - the sewerage system at present has available capacity for these flows
 - condition requiring a drainage strategy to be submitted and agreed
 - condition requiring a foul water strategy to be submitted and agreed
 - condition requiring a surface water management strategy to be submitted and agreed
 - Informatives required
- 8.3 Highway Authority raised no objection to the original application subject to conditions these include, a Construction Method Statement to include a HGV Routing Plan, service and delivery parking and turning facilities, provision of car parking, bin refuse storage facilities and a Travel Plan. Consultation response on revised scheme awaited and will be reported at committee or via amendments sheet.
- 8.4 Historic England commented on the original application as follows:-

Summary

This application proposes the development of a large residential building with associated retail space on the ground floor at the edge of the conservation area. While we accept the principle of developing the site we are concerned that the design details of the building and retail unit could have a negative impact on the historic significance of the conservation area and should be amended.

Historic England Advice

The application proposes the erection of a three storey building for mixed use development including assisted living, car parking and retail space at land off Butt Lane, Colchester. The site is adjacent to the Colchester Garrison Conservation Area with 19th century two storey red brick terraced housing across the street. There is a three storey unlisted barracks to the west of the site.

The proposed development is a three storey L-shaped building in red brick with slate roof. This design has used details of surrounding buildings such as the unlisted barrack block, which is welcomed. It is of a scale and form suitable for the location using materials that are traditional to the area. We would not oppose the development in principal. However, there are some areas of detail which could be improved.

It is welcomed that there would be boundary wall along the front part of the street frontage which is in keeping with the character of the adjacent

barracks. However, the retail unit also fronts onto the street with large glazed panels creating a sense of a glass wall which is alien to the area. This large scale introduction of glazed fenestration on the street front is not in keeping with the local character of the area and would have a detrimental impact on the conservation area. To reduce the impact on the conservation area the retail unit could be set back so it is fully underneath the new building, rather than projecting forward from it. Masonry columns could also be added between glazed panels and a larger brick plinth introduced so that the amount of glazing would be reduced and would be more appropriate to the area.

The areas between the pedimented bays on the principal elevations are over-fenestrated. Windows with the vertical proportions of traditional sash windows are used, but are so close together they appear as almost continuous vertical glass columns, resulting in a lack of masonry relative to glazing. If the windows were reduced in size the effect of over-fenestration would be improved. This would also match architectural features used elsewhere in the building and in the area. The northern end of the new building facing Butt Road is a largely blind elevation with no fenestration. This is an unattractive part of the building which could be improved by adding windows. It is important that good quality brick and slate are used and that the fenestration and other detailing is of a high standard if the building is to be a positive addition to the area.

The National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favor of sustainable development in the planning system (paragraphs 6, 7 & 14). The conservation of heritage assets is a core principle of the planning system (paragraphs 17 and 132). Clear and convincing justification should be made for any harm to the significance of heritage assets (paragraph 132).

While accepting the principle of the proposed development and would not wish to object to the application however, some areas of details could be addressed in order to minimise any harm to the conservation area. The Council should therefore consider conditions of any permission so that high quality materials and detailing can be achieved and amendments to the plans to the boundary wall and north end of the main building as described above.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 6, 7, 14, 132, 134 and 137 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Consultation response on revised scheme awaited and will be reported at committee or via amendments sheet.

- 8.5 ECC SUDS have issued a holding objection. A revised Flood Risk Assessment has been forwarded to ECC. The site is located in Flood Zone 1 – where the risk of flooding is lowest. A condition is suggested to require submission of a scheme of SUDs compliant drainage. If ECC SUDS team comments are received in advance of committee then an update will be provided via the amendments sheet or a verbal update will be provided.
- 8.6 Environment Protection raise no objection subject to conditions these include a construction method statement, control of lighting, restrictions of delivery and opening times.
- 8.7 Urban Design Officer has been involved in discussions to secure amendments to the original development and has commented that the “Proposals are now much improved, with generally a good mixing of contemporary and historic influences which integrate well with the neighbourhood centre as a community asset, has design integrity, the building is broken down into distinct well-formed elements, the fenestration has a logical structure, and the layout cleverly integrates parking, servicing and private amenity space” Further refinements to the detailing have been requested and revised drawings have been submitted.
- 8.8 Arboricultural Officer has considered the Tree Survey and Tree Constraints Plan no objection is raised subject to conditions.
- 8.9 Landscape Officer raises no objection to the concept landscape proposals subject to conditions to ensure a detailed scheme with appropriate management.
- 8.10 Archaeologist - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

- 9.1 Unparished area.

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 Councillor Lyn Barton: “I have spoken to residents of Blenheim Park opposite the proposed development and given details of the proposals on my Facebook site. I have received no negative feedback from anyone. After

such a long wait for the site to be developed residents are in favour of the proposal. The only concern is the mini roundabout leading to the site. There have been serious incidents around it and ECC promised improvements to safety once the site was developed. Can you confirm such improvements will be forthcoming please?

Officer comment: The Highway Authority has been consulted and responded that "This refers to possible works to help vehicles leaving the residential development accessed off the mini roundabout on the opposite side to the application. As discussed, if the applicant was to provide a zebra crossing to the east of the mini roundabout, this may help the situation, but there are currently no highway schemes for works to the roundabout".

- 10.3 41 representations objecting to the original application have been received the majority raising concerns regarding the additional traffic using the nearby residential streets and the lack of parking spaces putting further pressure on the already oversubscribed parking spaces. The objections are summarised below

Traffic /lack of parking

- The road system is not set up for increased traffic. There is already pressure on the roads on Butt Road in the morning and evening
- There is a primary school nearby where children are encouraged to walk to school and increased traffic would be a health and safety risk. The school crossing patrol officers have already been removed and this proposal would endanger the primary children even more
- Colchester Borough Council must give an assurance that they will NOT issue any further parking permits for the Constantine Road area etc to any of the residents or staff from either the apartment block or the retail unit.
- The development will cause additional parking issues and additional traffic problems which would be a danger to the school children crossing the road etc causing further traffic congestion
- Residents cannot get out of roads in the mornings and evenings due to the existing traffic congestion around school times with parents regularly blocking the streets to drop of their children or trying to park.
- Where would the intended customers and employees park?
- Are the council to look to making more money by allowing more parking permits to be sold? Residents of Constantine Road feel we are already penalised by being the main parking choice for both the school and the nursery school, as well as having to contend with parents also thinking they have a right to park as and when they wish.
- As residents parking only ceases after 6 pm will we now also have to contend with visitors to the care home staff It seems the current plans fail to address the additional parking needs of both staff and visitors to this site. With this in mind we can envisage an additional demand for parking being placed B2 parking zone generally, and particularly Constantine Road.
- Too many paid permits have already been issued historically. This has resulted in parking in Constantine Road being totally inadequate. Adding to this is the burden from the majority of Hamilton School staff choosing

to park in Constantine Road for the duration of their working day (approx. 8:00am - 5:00pm). Many residents are currently unable to park near their own homes, or indeed in the length of the road. This is a continuous problem and particularly difficult when residents have shopping etc. to unload from vehicles. Residents with children (and the elderly) are also significantly inconvenienced; particularly in bad weather conditions. Further issues are experienced with Constantine Road being temporarily blocked by parcel drop offs, and home deliveries.

- An additional problem is parents parking to drop and collect children from the school, often parking 30 minutes prior to school finish times. With the aforementioned issues already being experienced we would like to see the parking needs of both staff and visitors to this proposed site fully addressed within the development plan..
- The application does not provide any detailed analysis of the impact on the local area of deliveries and services which will service the retail outlets. There is also a lack of any detail in relation to parking of customers it staff to those units and the residential accommodation. The travel plan is very high level and provides no detailed analysis based on specific research carried out on and around the local area and the impact this development would bring by reference to similar such developments. It is labelled a plan but it
- The parking provision for this mixed use development is inadequate for the 48 unit Assisted Living apartment block and the 3,000 + sq ft retail unit. The provision of just 10 spaces for the retail unit is far too few. I would also like to know if the developer has an 'end user' for the retail store, as we already have a Sainsbury's local and a Budgens which serves the needs of the local community already - as identified in the developers design and access statement. Do we really need yet another food provision store or if an end user hasn't been identified, will this unit then remain empty due to its size
- Residents are now faced with more traffic passing through their road at all times of day and night; visitors to the care home (of which I am sure there will be many on a daily basis) seeking to park their vehicles; an increase in the traffic of delivery HGV lorries Class 1 and 2 also passing through the residential streets posing an ever increasing danger.
- The retail unit would be accessed by car for many people, there are already problems with parking at the Sainsbury's on the corner.
- There are proposed a number of 15 residents which if every resident had a car would equate to 15 car spaces required. Where would there visitors park. If every resident had a visitor at one point that would equate to 30 car spaces before any of the care home staff or retail staff or visitors are considered. What if care home residents had more than 2 visitors with a car at any one point then this could lead to 45 cars without car home staff - carers, managers, cleaners, and maintenance staff. Retail unit staff and visitors to the retail unit.
- The Shop workers will require parking spaces as will the visitors to the retail use, where is there parking? The Sainsburys retail unit around the corner has around 20 spaces alone for their stores visitors.
- Where will the care staff park? Providing 24 hour care will be problematic for parking and will certainly impose on the surrounding area as it is not

permitted in the evening and overnight. Depending on staffing levels, this could see numbers of around 80 staff using the oversubscribed surrounding areas such as Constantine and Hamilton for parking spaces as it is not permitted after 6pm.

- This planning application is ill thought out and will impact on the surrounding area and the amenities of residents.
- Parking difficulties in school term time are exacerbated by teachers and staff of the school having permits to park in Constantine Road, quite simply we have already passed saturation point and cannot cope with the council issuing further category B2 permits to allow vehicles using the proposed development to park in either Constantine road or indeed in any of the other adjacent roads.
- The 4-way traffic at the roundabout is going to be a nightmare!
- Visiting vehicles will overspill parking on Kensington Road, directly opposite, causing congestion, inconvenience for residents of Kensington Road, increased danger for pedestrians young and old navigating the one main street to the estate
- There are also no plans to change the current roundabout which is an issue with multiple incidents and is a nightmare getting out of so with the extra traffic this would not work.
- The land upon which the developer wishes to situate the development used to be MOD land. When used by the MOD it was self-contained. There were controls into and out of the land. Parking in surrounding roads outside of MOD property was never a problem. This development, the nature of which I do not object to, will not be self-contained as those operating the proposed businesses will not be able to control the number of visitors to their premises; will not in turn be able to control the flow of traffic to and from those premises; and, thereby not be able to control the extent to which visitors will usurp the existing and available space to park their vehicles
- On street parking restrictions should be extended to 24/7 to prevent displacement of parking from the retail unit or care home onto the street.
- Parking remains substandard in amended scheme and store should be replaced by parking or proposed landscaping areas converted to further parking.
- Plenty of greenspace surrounds site
- Buildings too tall should be two storeys only and would prefer greenspace
- No need for further store given existing local facilities
- Will exacerbate parking shortfall and increase noise, pollution, prejudice air quality and mitigation is required;
- Construction traffic needs to be routed away from residential streets with traffic calming required on Errington Road.

Lack of Publicity

- This application doesn't seem to have been well publicised bearing in mind its scale and potential impact on the local neighbourhood and surrounding streets.
- The council should check that all local residents are aware of this application as many residents in the roads between Maldon Road

and Butt Road seem to be in the dark about this - which has been brought to light by one of the local residents. *Officer comment: the application has been published in the local newspaper, three site notices were displayed at the site and more than 150 residents were notified of the application. All those originally notified plus those who made representations on the original proposal have been notified that amended plans have been received.*

- 10.4 In addition to the above the applicant undertook a scheme of community engagement prior to the submission of the application. The Executive Summary from their Statement of Community Engagement is set out below

“McCarthy & Stone is committed to consulting the local community regarding its proposals to redevelop land off Butt Road, Colchester.

Residents and stakeholders were given the opportunity to provide their feedback on the proposals at all stages of the public consultation via a number of different channels. A freephone information line was made available throughout the planning process for interested parties to receive further information and provide their feedback to the project team.

The consultation process included offering early one-to-one meetings with local residents, third party groups and key stakeholders to view the proposals prior to them being displayed to the wider community. These meetings were held on Friday 18 March 2016 at Colchester Quaker Meeting House, 6 Church Street, Colchester, Essex CO1 1NF. A public exhibition was also held on Wednesday 25 January 2017 at Christ Church Colchester, Ireton Road, Colchester, CO3 3AT, which is 0.4 miles from the proposed redevelopment site. Approximately 2,000 local households and businesses were invited to attend, alongside key stakeholders who were offered a dedicated preview session prior to the public exhibition. Approximately 65 people attended on the day, including four local stakeholders, with feedback forms available for attendees to record their views. To date 16 feedback responses have been received, while a total of 39 responses were received prior to the submission of the planning application, when all feedback is taken into account. Residents and stakeholders were given the opportunity to provide their feedback at all stages of the public consultation and, where possible, these comments are addressed in the application submitted. McCarthy & Stone is committed to engaging with the local community and, following the submission of the application, will ensure that interested parties and key stakeholders remain informed and updated regarding the proposals”. The Statement of Community Involvement document provides a chronological account of the pre-application consultation undertaken and a review of the feedback received.”

- 10.5 Other comments

- Such a large block of bricks is completely at odds with the pretty Victorian properties that make this area one of Colchester's most desirable locations in which to live. It would completely dominate and in doing so, entirely change the look and feel of the area as well as sacrifice some of our heritage.
- The design of the proposed building does not fit into the area. It is not sympathetic to the older 1930s buildings that are already there.

- There is a piece of land on the corner of Butt Road and Circular Road which no one seems to take care of. Will the new owners of the site look after it please? When I've enquired about the ownership no one takes responsibility for it and when the grass is cut nearby this gets left.
- I do not agree with the frontage on to Butt Road which resembles a wall of glass and is in no way in keeping with the area
- Initial plans showed landscaping
- This is a greedy attempt by the developer/care home company to maximise the land with little or no thought for the impact that such a large building would have.
- A single or double story development with individual properties spaced around gardens would be much more in keeping with both the renovations towards Abbey Fields, the newer homes here and the Victoria properties on Butt Road, Hamilton and Constantine etc. And would probably also allow for additional parking too.
- When individual homeowners have to jump through hoops to get planning permission in the area to ensure renovations are 'in-keeping', it would be disgusting if these plans were allowed to progress.

10.6 11 objections have been received to the revised application

The comments generally reiterate the objections in respect of parking provision, and traffic generation and are summarised below:

- The buildings are tall and not in keeping with the local Edwardian buildings.
- Parking will be needed for residential home staff including night staff. Visitor parking - considering that visitors will all visit at the same time which will be out of permit time for the surrounding roads.
- As with most of Colchester, this area is overdeveloped and with no real changes in the infrastructure to meet the demands, further development will result in over capacity of roads, schools and other amenities.
- Historically there appears to have been little if any co-ordination between Colchester Planning and Essex County Council regarding the impact on the indigenous population of continued development in Colchester in general and in this area in particular. The above proposed development is an opportunity of remedying this oversight delivering road safety measures and restriction which will be of benefit to us all. The financing of such an endeavour could perhaps come from the new build grants available to the local Council, to use within the community which will be affected from such development.
- What measures are going to be put into place to limit the increased traffic from this development along Errington Road?

- What assurances are going to be put into place to limit or eliminate construction traffic using this and other so – called ladder roads?
- How are the County and local Cllrs going to ensure that pollution levels in this area do not continue to rise?
- What assurances are in place to limit or eliminate commercial vehicles using Errington road when delivering goods /equipment to the assisted living accommodation and planned stores?
- What measures are to be put into place to mitigate noise and light pollution from this development?
- Is there an assurance that the buildings will not be built high enough to block the landscape and oversee our gardens?
- What landscaping will take place, i.e., trees, bushes, to encourage wildlife and mitigate the effects of building materials?
- There needs to be an awareness of the considerable concern about the effects of these developments on our local community.
- It still does not meet the minimum parking requirements for the area for both retail and residential and would, like the other two schemes, cause congestion and parking problems. I have taken the opportunity of suggesting where further parking could be incorporated into the scheme.
- Local residents do not see the need for further retail as we have two thriving shops within close walking distance as it is. Part of the selling of the scheme was to consider retail for the residents but, if by providing such retail puts a strain on parking in the area, we do not wish for it and the retail space would be better used as a parking area for the residents/staff - this would be much more in favour with the local residents.
- I would suggest that the potential extra traffic and parking needed for the proposed retail would not make it viable.
- Residents of the surrounding areas would also wish for 24/7 residents only parking and for no parking permits to be granted to residents of the scheme as overflow parking as the site should be self sufficient in that respect.

11.0 Parking Provision

11.1 Parking matters are discussed in the main body of the report below.

12.0 Open Space Provisions

- 12.1 The application is for a C2 “extra care” use not a C3 residential dwelling use. There is not an open space requirement for C2 uses. However a green space currently not accessible to the public will be enhanced for public use. This is a prominent green space with mature preserved trees which will enhance the amenity of the wider area.

13.0 Air Quality

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

14.0 Planning Obligations

- 14.1 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 that would be agreed as part of any planning permission would be:

- NHS England contribution of £3,795
- Cycleway contribution of £22,000
- Open Space Sport & Recreation – enhancements to the local environment should be included. Seating and appropriate planting to the treed area on the corner of the site is recommended.
- Highway Authority request the following mitigation a) Upgrading of the two bus stops in Butt Road adjacent to the proposal site to include but may not be limited to real time passenger information b) A zebra crossing in Goojerat Road, east of the proposal site access roundabout c) If 50 or more employees, a travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority’s costs to approve, review and monitor the Travel Plan.

15.0 Report

- 15.1 The main issues in this case are:

The Principle of Development and planning history

- 15.2 There is a long standing planning history for a food store and retail units planning permission was first granted in 1994. The Garrison Masterplan was published in 2001 and followed by an outline planning permission in 2003 application reference O/COL/01/0009. This application comprises residential development (of 2600 units) and mixed uses including retail, leisure and employment, public open space, community facilities, landscaping and highway & transportation improvements.

- 15.3 The Garrison Masterplan is referred to in Colchester Development Plan. The 2010 Adopted Site Allocations DPD includes Policy GAR1 which states, inter alia, when setting out acceptable uses;

Retail

- Butt Road – 1000sqm retail - foodstore and three small shops

The policy also notes that ‘the levels of development [set out in policy GAR1] should not be considered prescriptive but a guide to inform development proposals’

The whole application site is identified as a Neighbourhood Centre in the Garrison Master Plan in 2001. This allocation was subsequently carried forward by the 2010 adopted Site Allocations DPD. The principle of a foodstore is therefore acceptable and in accordance with adopted policy GAR1 and the site allocation.

Design/Heritage issues

- 15.4 The majority of the site lies outside the Garrison Conservation Area but officers have nevertheless given careful consideration to the detailed design of the proposed building and its impact on the character and appearance of the wider area. The application site was previously occupied by a post war office block that did not respect the distinctive character of the Garrison. This brownfield site now presents an opportunity to reinforce this character through the creation of a robust built form that echoes the character and scale of the many surviving former military buildings. In particular, the extensive use of brick walling, slate roofing and simple linear plan forms articulated by brick pilasters and modulated by sash proportioned window openings.
- 15.5 The NPPF places great importance in the achievement of high quality and inclusive design in all developments. In respect of design, the NPPF states that development should: establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to create and sustain an appropriate mix of uses; respond to local character and history, and reflect the identity of local surroundings and materials. Core Strategy Policy UR2 seeks to promote and secure high quality design. Core Strategy Policy ENV1 also requires development to be appropriate in terms of its scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development must meet. These require new developments to respect the character of the site and its context in terms of detailed design. Policy DP14 seeks to protect the historic environment and states that development will not be permitted that would adversely affect the setting of a listed building or a conservation area.
- 15.6 The site occupies an important focal point in the street, it is on the edge of the Conservation Area and the edge of the historic Garrison. The layout of the proposed development is influenced by corner location, the need to address two road frontages and the public space, the historic boundary treatment to Butt Road, the location of the existing vehicular access and the

need to safeguard the retained trees. The architectural and historic interest within this part of the conservation area is derived from the continuity of the boundary wall to Butt Road, the relationship of buildings to the wall and a consistent use of quality facing materials. The proposed development has been negotiated with these considerations in mind.

- 15.7 The proposal provides a continuation of the traditional red brickwork along the Butt Road frontage, thus retaining and reinforcing the historic Garrison boundary to this street. The new foodstore will abut Butt Road with the other buildings set behind the new wall. The whole is designed as a single cohesive composition in a style that reflects the simplicity of buildings across the Garrison without excessive decoration in an institutional inspired style.
- 15.8 Officers have negotiated significant amendments to the proposal and it is now considered that the revised scheme represents a potentially high quality development that will reinforce local distinctiveness. The proposals are consequently considered to be in conformity with relevant local plan policies including UR1, UR2, DP1 and DP14.

Highway Issues

- 15.9 The NPPF focuses on the importance of providing new development in accessible and sustainable locations so that it minimises reliance on the private car. The NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impacts of development are severe. Core Strategy Policies TA1, TA2, TA3 and TA4 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth and seek to encourage a change in travel behaviour and where appropriate give priority to walking, cycling and public transport. These policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration). Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment and the requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists.
- 15.10 Access to the application site is via the recently constructed roundabout on Goojerat Road; this roundabout also serves the adjacent residential development site. In addition to the new access, other highway infrastructure has already been improved on Butt Road, Circular Road West and Goojerat Road as a part of the Garrison development. Public transport options for the site are good, with several bus services stopping close to the site. Two bus services 64 and 64A run close to the site along Butt Road with bus stops outside the site and on the opposite side of the road. In addition to the services on Butt Road, there is an additional service, 63, which runs along Circular Road West.
- 15.11 The footway along Butt Road includes a segregated cycle path. It is possible to walk to the heart of the town centre in 10 minutes. There is a public car

park a 5 minute walk away in Butt Road and another on the corner of Napier Road with Mersea Road a 10 minute walk.

- 15.12 A key objection expressed by many local residents is that this development will create an unacceptable increase in traffic with resultant problems of congestion, parking and accidents. Residents are also concerned that the customers, staff and delivery vehicles will use the residential streets between Maldon Road and Butt Road.
- 15.13 A Transport Statement (TS) accompanies the application which has been informed by pre-application discussions with Essex County Highways. The scope of TS includes a review of site accessibility, Local Road Network including Personal Injury Accident (PIA) data, car and cycle parking requirements, visibility and access arrangements, servicing arrangements, trip assessments and traffic impact on the local road network.
- 15.14 The PIA investigation identified 4 accidents, one resulting in serious injuries that occurred at the Butt Road / Goojerat Road roundabout. Two of these accidents involved vehicle collisions while the other two involved cyclists. The serious accident on Butt Road involved a pedestrian failing to look for traffic, whilst stepping into the road. The data indicates that all accidents involved human error and road layout was not a contributory factor. The PIA data therefore does not indicate any specific highways concern that would worsen as a result of the development, or pose a highways safety concern for future site users.
- 15.15 The submitted drawings show a turning facility for delivery and refuse vehicles, this requires 9 of the customer parking spaces to be temporarily coned off when deliveries take place.
- 15.16 To determine the highways impacts of the proposal, trip generation modelling has been undertaken for both proposed land uses.
- 15.17 The TS states that “McCarthy & Stone Assisted Living schemes generate unique trip rates that are not directly comparable to traditional rest home /

care home, with the proposed development designed to meet the needs of elderly residents who require some degree of support to allow them to live a relatively independent life. In order to provide an appropriate trip rate for the proposed development, traffic count surveys have been commissioned at comparable McCarthy & Stone sites, with the resulting data providing more representative trip rates than available TRICS data sets. McCarthy & Stone traffic counts and associated trip rates are summarised below:

Assisted Living (48 units)	Trip Rate	Trip Generation
08-09hours	0.11	5
17-18hours	0.08	4
12hour	1.97	95

15.18 The number of trips that likely would be attracted to the food store is set out below. The TS states “that it should be noted that the majority of trips attracted to the store are already on the highway network, particularly in the AM and PM Peak hour as it is considered unlikely that many people would drive to the local convenience store when the road network is at its busiest unless they were already travelling from or to another destination. It is therefore assumed that a certain proportion of vehicle trips to the food store during the network peaks will be trips that are already on the wider road network the document also indicates the Previous research on pass-by trips, as summarised in the TRICS Research Report 95/2, suggests that “if the site feeds onto a major arterial road then pass-by [trips] will be the major component” and “that, for retail land uses “in most circumstances 10% or less of the total trips are completely new”.

Foodstore (494sqmGFA)		Trip Rate	Trip Generation
AM	In	9.476	48
	Out	9.167	45
PM	In	13.479	67
	Out	11.893	59
12 H	In	137.461	679
	Out	137.196	678

15.19 The TS indicates the site will generate 773 vehicle movements (386 trips to the site), mostly attributed to the convenience store although, a large proportion will be pass-by trips. The TS also notes that the number of trips

is significantly lower than the trips associated with the previously consented 2,755m² supermarket which was expected to add 4,011 two-way trips onto the local highway network on a daily basis. This reference is to the 2012 application which although the planning permission has expired is a material planning consideration.

- 15.20 It is appreciated that the traffic implications of this proposal are contentious for many local residents. However the Highway Authority has considered the TS and other information and has not raised any objection on highway capacity and safety grounds.
- 15.21 It is accepted that the proposed scheme will generate additional traffic and that this will have an impact on the surrounding roads, however this is a brownfield site in a highly sustainable location allocated for development in the adopted local plan.
- 15.22 The concerns raised concerning the use of side roads by construction and service vehicles are appreciated and conditions are suggested so a route for construction vehicles and delivery service to be agreed. The applicant has indicate delivery vehicles to the store will be 18 tonne (a vehicle in the low to medium range) and delivery vehicles will be restricted to this maximum size.
- 15.23 As a part of the Garrison development, significant improvement works have already been undertaken to the surrounding highway network. In addition to the works already undertaken, a number of additional highway and transportation improvements are proposed as a part of this scheme. These include: a zebra crossing in Goojerat Road (east of the proposal site access roundabout); the upgrading of the nearby bus stops (including the provision of real time information).

Parking Provision

- 15.24 The Councils' adopted parking standards for a C2 care home use and retail use are set out below. Members should note that unlike the parking standards for C3 dwellings which are a minimum standard; parking standards for C2 and A1 uses are a maximum standard for provision.
- 15.25 The Adopted Parking Standards require a maximum of 1 space per 14sqm for foodstores, based on these standards, the parking requirements for the foodstore is 37 spaces. While the number of spaces proposed is under the maximum level indicated by the Parking Standards a lower provision of vehicle parking in urban areas where there is good access to alternative forms of transport. This site is considered to constitute such a location. The supporting text to Adopted Core Strategy policy TA5 states that "*car parking should be minimised in accessible locations where high quality alternatives are available*". A lower provision of vehicle parking may therefore be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.

- 15.26 The TS includes Trip Rate Information Computer System Database (TRICS) has been used to demonstrate the average number of car parking spaces for convenience stores the database demonstrates that, on average, convenience stores have 2.17 spaces per 100m². This means that 10.7 car parking spaces would be the average for a 494m² store. The TS indicated that the original parking provision of 10 spaces was therefore considered to be appropriate for the nature of the convenience store.
- 15.27 Your officers were concerned at the low level of parking, a concern echoed by the comments from neighbours. An increase in the number of parking spaces from 10 to 22 has been negotiated and this is considered acceptable. Furthermore the proposal is for a small neighbourhood store which will not carry the full range of goods for a weekly shop and dwell time will be short with a quick turnover of parking spaces. Officers consider the number of parking spaces being proposed is consequently acceptable to serve this size of store.
- 15.28 The Adopted Parking Standards for a C2 (residential care facility) use require a maximum of 1 space per full time equivalent staff plus 1 visitor space per 3 beds, based on this standard a maximum of 29 parking spaces are required. Within the scheme as revised some 26 spaces are proposed to serve this element. Officers consider the number of parking spaces being proposed is acceptable to serve this use.
- 15.29 Residents are concerned that traffic generated by both uses will increase pressure in the adjacent residential streets. Whilst there is a Residents Only Parking scheme this does not operate 24 hours a day. Residents have requested the existing scheme which only prevents non permit holders parking between certain hours should be extended to allow permit holder parking for 24 hours. This change is however outside the remit of the Planning Committee. The North Essex Parking Partnership has however confirmed that residents cannot apply for a residents parking permit if they do not live in a street included in a residents 'only parking area.

Private Amenity Space

- 15.30 The development is not a C3 residential use and therefore the amenity standard for dwellings is not applicable. Each of the units has either a small balcony or patio garden, in addition these are a communal garden areas to the rear of the buildings. In this case, although these areas are modest, they do provide a usable, safe and secure environment for residents in conformity with policy DP1 and DP12 (dwellings).

Impact on Neighbouring Properties

- 15.31 Development Plan Policy DP1 requires all new development to be designed to avoid unacceptable impacts on the residential amenity, particularly with regard to privacy and overlooking. Development Plan Policy DP12 states in considering new development proposals the Council will have regard to avoidance of adverse overshadowing, acceptable levels of daylight and acceptable levels of privacy for rear facing habitable rooms and sitting out

areas. In this case members will note that the loss of privacy is not an issue that has been specifically raised by local residents.

- 15.32 Whilst the amended proposals do contain a four storey element (corner block) with the remainder comprising a maximum of three storeys having regard to the objective tests set out in the Essex Design Guide and the urban context of the development bounded by significantly-scaled streets officers consider there will be no adverse impacts on the amenities of the nearest residential properties. The four storey element is also considered acceptable in the context of the Butt Road junction providing a focal point which has been supported by the Urban Designer and this would also be softened in the streetscene by the proximity of existing tall trees.

Landscape/Ecology

- 15.33 The retention of the existing group of trees (covered by a TPO) at the south western corner and the proposal for enhanced planting will mean this area forms a key landscape feature within the existing street scene and an attractive area of public amenity.
- 15.34 The proposal involves the removal of two trees within the site; one is protected by a tree preservation order. The Council's Tree Officer has advised that these trees are not of high quality (Category 'C') due to its general physiological condition and that there is no objection to their removal. The loss of this tree would be mitigated by new planting within the site.
- 15.35 In terms of protected species, none have been identified within the site that require direct mitigation. However in accordance with the provisions of the NERC Act 2006 opportunities should be taken to enhance biodiversity and a condition is suggested to secure enhancement of habitats generally within the site and specifically to provide but bird roosting opportunities.

Drainage and Flood Risk Assessment

- 15.36 A Flood Risk Assessment has been submitted which shows that the site is situated within Flood Zone 1 – i.e. little to no risk of flooding. As this is a major application ECC Suds team are consulted regarding Suds and surface water drainage they have submitted a holding refusal as further details are required. A revised report has been submitted which is being considered by the SUDs team it is anticipated their comments will be available for the committee meeting.

16.0 Conclusion

- 16.1 This is a brownfield site in a highly sustainable location which has a planning history of permission for a more intensive form of retail development. The current proposal would provide a small neighbourhood store in accordance with the 2010 adopted Site Allocations DPD Policy GAR1. It is considered that the proposal accords with policy CE2C Local Centres and would meet the needs of the local community whilst minimising trip generation. The proposed assisted living extra care facility is well designed and responds to its context in a positive manner. The proposed car parking and serving provision is considered acceptable as it is evidence based.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the prior 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.

Legal agreement to secure:

- NHS England contribution of £3,795
- Cycleway contribution of £22,000
- Open Space Sport & Recreation – enhancements to the local environment should be included. Seating and appropriate planting to the treed area on the corner of the site is recommended.
- Highway Authority request the following mitigation a) Upgrading of the two bus stops in Butt Road adjacent to the proposal site to include but may not be limited to real time passenger information b) A zebra crossing in Goojerat Road, east of the proposal site access roundabout c) If 50 or more employees, a travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan

- 17.2 The Planning 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 List of approved drawings

Approved drawings – to add final drawing nos .when known.

3 - ZMM Large scale architectural drawings

Prior to the commencement of any works, additional drawings that show details of any proposed new glazed screens, chimneys, flue and extract terminals, ridges, shopfronts and associated facias, boundary walling including height, brick bond, coping detail and detail of associated piers, windows, reveals, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: Inadequate details have been submitted as part of the application having regard to the prominence of the site and scale of the proposed built form adjacent to the Garrison Conservation Area.

4 - ZMW Rainwater goods

All rainwater goods (gutters, downpipes, hopperheads and soil pipes) shall be finished in cast metal and painted black and shall be of ogee section unless an alternative has been submitted to and approved in writing by the local planning authority.

Reason: Inadequate details have been submitted as part of the application having regard to the prominence of the site and scale of the proposed built form adjacent to the Garrison Conservation Area.

5 - ZBF Surfacing materials to be agreed

Prior to the laying down of any surface materials for private, non-adoptable access-ways, driveways, footpaths, courtyards, parking areas and forecourts, full details of these materials shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and such details are considered important to the character of the area.

6 - ZCE Refuse & 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.

7 - ZFQ Tree and natural feature protection

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.

8 – Non Standard Condition - Restriction on size of service vehicles

The vehicles servicing the retail store hereby approved shall not exceed 18 tonnes.in weight.

Reason: The development is located in a predominantly residential area and the servicing areas within the site are restricted and incapable of accommodating larger vehicles. The use of larger vehicles could prejudice the interests of highway safety and the amenities enjoyed by surrounding dwellings and there is no capacity for safe on-street servicing on this corner site.

9 – Non Standard condition - Adverts not consented

Notwithstanding the details shown on the approved drawings, no consent is granted nor implied for any signage and a subsequent application for advertisement consent to display any advertisements on the buildings or within the application site area.

Reason: For the avoidance of doubt as to the scope of this planning permission in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

10 – Non Standard condition - Restriction on age of occupants

The Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly shall not be used otherwise than as a private place of residence for a person or persons of whom at least one must be a “qualified person” (defined below) at the date of his or her first occupation of the unit in question’. For the purposes of this schedule “a qualified person” means a person who is or has attained the age of 70 years and thereby in need of personal care by reason of old age or by reason of disablement. (whether or not such person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970). An occupier of one of the individual units of residential accommodation who is not a “qualified person” but who shares or previously shared the accommodation with a “qualified person” (e.g. a spouse or surviving spouse) must have attained the age of at least 60 years.’

Reason: The proposed development is unsuited to use as unrestricted residential dwellings (Use Class C3) as the amenity space and parking provision would be inadequate for such a use in accordance with adopted Colchester local plan (2008,2010, 2014) policiies PR1, TA5, DP12, DP16.

11 - Non Standard Condition - Restriction on Uses within Use classes order

The proposed retail unit shall be restricted to a foodstore selling convenience goods only within Use Class A1 and the Assisted Living Extra Care accommodation to uses within Class C2 only as defined in the Use Class Order and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

12 – Non Standard Condition - Habitat enhancement scheme

No development shall commence until a scheme of habitat enhancement within the application site including but not limited to provision for nesting and roosting opportunities for birds has been submitted to and agreed in writing by local planning authority. The scheme shall include details of the proposed measures together with a programme for implementation. Prior to the beneficial occupancy of any of the development the agreed scheme shall be implemented and thereafter so maintained.

Reason: To ensure that the biodiversity of the site is maintained and enhanced in accordance with the NERC Act 2006 and policy ENV1 of the Adopted Colchester Local Plan.

13 - Non-Standard Condition/Reason - 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 part of the development 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.

14 - Non-Standard Condition/Reason - Surface Water Drainage Scheme

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

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

15 - Non-Standard Condition/Reason - Surface Water Maintenance Plan

No works shall take place until 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.

Reason: To ensure appropriate management arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

16 - Non-Standard Condition/Reason - Yearly Maintenance Logs

The applicant or any successor in title must maintain yearly logs of maintenance of the drainage system 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 Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

17 - Non-Standard Condition – Ensuring active shop frontage.

The shopfront glazing system and entrance lobby to the foodstore shall not be obscured by film or any other materials applied to or immediately behind the windows unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the store provides an active frontage to the public realm of the Neighbourhood Centre.

18 - Non-Standard condition – Preventing extension of the retail unit

The floor area of the foodstore hereby permitted shall not be extended either by the extension and/or other alteration of the building.

Reason: The Local Planning Authority wishes to retain control over any subsequent increase in the size of the foodstore to ensure it does not have an adverse impact on the amenity of the surrounding residential area.

19 – Non Standard Condition - Tree Protection

No work shall commence on site until all trees, shrubs and other natural features shown to be retained on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. 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.

20 – Non Standard Condition - Tree Protection

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.

21 – Non Standard Condition - Tree Protection

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

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

22 – Non Standard condition - Details of Landscape Scheme to be Submitted

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate: Existing and proposed finished contours and levels. Means of enclosure (including position, height, design and material). Car parking layout. 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, signage, lighting). Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.). Retained historic landscape features and proposals for restoration. Soft landscape details shall include: Planting plans. Written specifications (including cultivation and other operations associated with plant and grass establishment). Schedules of plants, noting species, plant size and proposed numbers/densities. Planting area protection or decompaction proposals. Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

23 – Non Standard Condition - Implementation and Monitoring Programme required for Landscape

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

24 – Non Standard condition - Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

25 – Non Standard Condition - Cycle Storage/Stand

No development shall take place until details of secure cycle storage/stands (including those suitable for cycle buggies) for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles.

26 – Non Standard Condition - Parking of Powered Two Wheelers

Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that satisfactory facilities for powered two wheelers.

27 - 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.

28 - 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.

29 - 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.

30 - 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 27, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 28, 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 29.

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.

31 - 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 27.

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.

32 – Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The

approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

33 - Service and Delivery Parking and Turning Facilities

Prior to commencement of the proposed development, service and delivery parking and turning facilities in accordance with a scheme to be approved in writing by the Local Planning Authority shall be provided and maintained for that sole purpose in perpetuity.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

34 – Car Parking Area

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car 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 related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

35 - Communal Bin/Refuse/Recycling Storage Facility

Prior to the occupation of the proposed development a communal bin/refuse/recycling storage facility shall be provided within 25m of the highway boundary for each proposed use classes.

Reason: To minimise the obstruction caused in the highway by refuse vehicles, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

36 – Non Standard Condition - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the

Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:
the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction; and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

37 - ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

38 - ZGQ - *Light Pollution for Major Development* (for car park)

Prior to the first OCCUPATION/USE of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

39 - ZGG - Site Boundary Noise Levels (for any fixed external plant)

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

A1 Use

40 - ZGA - *Restriction of Hours of Operation*

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

Weekdays: 07:00-22:00

Saturdays: 07:00-22:00

Sundays and Public Holidays: 07:00-22:00

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.

41 - ZGB - *Restricted Hours of Delivery*

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07:00-19:00

Saturdays: 07:00-19:00

Sundays and Public Holidays: No deliveries.

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 delivery vehicles 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.

42 - ZBC - Materials To Be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction 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.

18.0 Informatives

18.1 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.

Informative 4: The applicant should be advised to contact the Essex County Council travel plan team on travelplanteam@essex.gov.uk to make the necessary arrangements for the provision of the Travel Plan.

Informative 5: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent, Colchester. CO4 9YQ.

6 - ZTG s.106 Informative

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- Anglian Water Informatives

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

It is recommended that petrol/oil interceptors be fitted in all car park areas.

It is recommended that properly maintained fat traps are fitted are installed on all catering establishments.