

Planning Committee Meeting

**Moot Hall, Town Hall, High Street,
Colchester, CO1 1PJ**

Thursday, 28 February 2019 at 18:00

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters. If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted. Attendance between 5.30pm and 5.45pm will greatly assist in enabling the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. At Planning Committee meetings, other than in exceptional circumstances, only one person is permitted to speak in support of an application and one person in opposition to an application. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay/HYSPlanning.aspx>.

Audio Recording, Mobile phones and other devices

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Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 28 February 2019 at 18:00

The Planning Committee Members are:

Councillor Pauline Hazell	Chairman
Councillor Brian Jarvis	Deputy Chairman
Councillor Lyn Barton	
Councillor Vic Flores	
Councillor Theresa Higgins	
Councillor Cyril Liddy	
Councillor Derek Loveland	
Councillor Jackie Maclean	
Councillor Philip Oxford	
Councillor Chris Pearson	

The Planning Committee Substitute Members are:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop training:-

Councillors:

Christopher Arnold	Kevin Bentley	Tina Bourne	Roger Buston
Nigel Chapman	Peter Chillingworth	Helen Chuah	Nick Cope
Simon Crow	Robert Davidson	Paul Dundas	John Elliott
Andrew Ellis	Adam Fox	Dave Harris	Darius Laws
Mike Lilley	Sue Lissimore	Patricia Moore	Beverley Oxford
Gerard Oxford	Lee Scordis	Lesley Scott-Boutell	Martyn Warnes
Lorcan Whitehead	Dennis Willetts	Julie Young	Tim Young

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 6 are normally dealt with briefly.

An Amendment Sheet is published on the Council's website by 4:30pm on the day before the meeting and is available to view at the bottom of the relevant Planning Committee webpage. Please note that any further information for the Committee to consider must be received no later than 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Have Your Say! (Planning)

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

These speaking provisions do not apply to applications which have been subject to the Deferral and Recommendation Overturn Procedure (DROP).

3 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

4 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

5 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

6.1 Minutes of 17 January 2019

7 - 10

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 17 January 2019.

6.2 Minutes of 31 January 2019

11 - 16

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 31 January 2019.

7 Planning Applications

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

7.1 182120 Land at Queen Street, Colchester

17 - 90

Demolition of existing buildings/structures and redevelopment to provide purpose-built student accommodation, hotel, commercial space (Use Classes A1, A3, A4, B1(c) and D2), artist studios and associated vehicular access and public realm improvements.

Also includes details of Have Your Say! speaking arrangements for the Land at Queen Street application.

7.2 183085 Albert Roundabout, Cowdray Avenue, Colchester

91 - 106

Erection of a metal three dimensional wayfinding sculpture, replacement of the existing planting and trees with a new landscape design that complements the sculpture and provision of two CCTV

cameras within the roundabout central island (removal of the existing CCTV camera).

- 7.3 **183101 CNG Sports, Cuckoo Farm Way, Colchester** 107 -
Application for the removal or variation of a condition following grant
of planning permission. (Condition 2 of 180438) 140

- 7.4 **190042 Outside Bill's Restaurant, High Street, Colchester** 141 -
Installation of drinking water fountain to existing stone wall. Drinking
water fountain is of stainless steel construction, 900mm high x
330mm width x 365mm depth to be fixed to the existing stone wall
and paved ground. Excavations required for connection to water
and drainage services associated with redundant 'Uri-Lift'. 148

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160

8 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B
(not open to the public including the press)

Planning Committee

Thursday, 17 January 2019

Attendees: Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean

Substitutes: Councillor Nick Cope (for Councillor Lyn Barton), Councillor Patricia Moore (for Councillor Vic Flores), Councillor Gerard Oxford (for Councillor Philip Oxford), Councillor Dave Harris (for Councillor Chris Pearson)

Also Present:

655 Site Visits

Councillors Cope, Hazell, Higgins, Jarvis, Liddy, Loveland, Moore and Maclean attended the site visits.

656 Minutes of 13 December 2018

The minutes of the meeting held on 13 December 2018 were confirmed as a correct record.

657 182523 Part side garden, 10 Ernest Road, Wivenhoe, Colchester

The Committee considered a planning application for the erection of a detached bungalow with associated parking facilities at the side garden, 10 Ernest Road, Wivenhoe, Colchester. The application had been referred to the Committee because it had been called in by Councillor Luxford Vaughan. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Senior Planning Officer, presented the report and assisted the Committee in its deliberations.

Annette Williams addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that she had owned the house next door to the site since 1984, initially occupying it herself and more recently renting it to tenants. Her personal circumstances had changed and she had intended to return to live in the property to take advantage of its open aspect and its

beneficial location. She objected to the proposal as she considered that the view from the property would be adversely affected, light to her kitchen window would be restricted, the roof of the proposed bungalow would be over bearing and existing parking problems would be made worse. She was aware that pre-application advice had been sought two years ago and considered this implied that the adjacent property had been purchased with the sole intention of re-development. She considered the development to be garden-grabbing and she strongly objected to the proposals.

Ross Appleby addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he and his family had lived in Wivenhoe for 10 years and his two young children attended the local school. They had bought the property the subject of the application with the intention to make the bungalow their own, to future proof the family and to bring it up to date. More recently he had explored the idea of building a second bungalow on the site to accommodate his parents who lived locally and helped with the family's childcare. He had observed similar developments in the neighbourhood and, with this in mind, had appointed an architect and had undertaken discussions with his neighbours who all indicated their support on the basis that the plans were considered to be unobtrusive. He had attempted to contact the owner of his immediate neighbour but had been unsuccessful. He confirmed that his family wished to stay in the property for the future.

The Senior Planning Officer explained that the site was considered to be generous in size and, as such, there was sufficient room for the development to not be cramped. She referred to similar examples in the area and that the proposed parking arrangements would comply with the relevant standards and would not have a detrimental impact. She considered the proposed pitch of the roof would adequately mitigate the impact and confirmed that the distance from the proposed bungalow and the neighbouring property was over five metres and, as such, was not considered to cause significant harm. She also explained that the location of the neighbouring property on higher land contributed to the mitigation of the impact. She further confirmed that the Highway Authority had not objected to the proposals.

Members of the Committee acknowledged the concerns expressed by the objector but commented on the set back location of the neighbouring kitchen window, the separate entrances to the proposed and host dwellings and that the loss of a view was not a material planning matter and, as such, they could not take this into account in their deliberations. Reference was also made to the generous size of the plot and the benefit of the delivery of new housing. Clarification was sought regarding potential loss of light to the adjacent property, whether there was potential for the proposed one storey dwelling to benefit from further development of the loft space and whether any assessment had been made of the loss of light impact to the host bungalow from the proposed bungalow.

The Senior Planning Officer confirmed that the distance from the bungalow to the

kitchen window to the rear of the adjacent property was in excess of six metres and this was further mitigated by the proposal being for a single storey dwelling and with the neighbouring property being located on higher land. In addition, she referred to the inclusion of a condition for boundary screening. She also confirmed that a proposed condition provided for the removal of permitted development rights and that this included changes to the roof form. She concluded that the impact of the proposal was not significantly harmful and, as such, a refusal of the application would be difficult to defend at an appeal. She further explained that more emphasis was placed on the protection of existing amenity and that a lesser standard of protection was applied to a host property as it was deemed that this would be a matter for the future occupier to consider for themselves.

RESOLVED (UNANIMOUSLY) that, the application be approved subject to the conditions set out in the report.

658 182038 Langham Cottage, 9 High Street, Langham, Colchester

Councillor Cope (by reason of one of the objectors to the application being known to him personally) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 9(5).

The Committee considered a planning application for the change of use of annex to single dwellinghouse at Langham Cottage, 9 High Street, Langham, Colchester. The application had been referred to the Committee because the site was outside the adopted settlement boundary for Langham in an area shown as countryside. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (UNANIMOUSLY) that, the application be approved subject to the conditions set out in the report.

659 182499 14 Trafalgar Road, Colchester

The Committee considered a planning application for a single storey rear extension at 14 Trafalgar Road, Colchester. The application had been referred to the Committee because the applicant was a member of staff of Colchester Borough Homes (Gateway Partnership). The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that, the application be approved subject to the conditions set out in the report.

660 182151, 182155, 182178, 182181, 182192 and 182275 Bromley Road, Colchester, Horkesley Road, Boxted, Harwich Road, Colchester, Clingoe Hill, Colchester, Cymbeline Way, Colchester and Via Urbis Romanae, Colchester

Councillor G. Oxford (by reason of the signs being a legacy project during his year of office as Mayor) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 9(5).

The Committee considered six planning applications for 'Welcome to Colchester' signs at Bromley Road, Colchester; Horkesley Road, Boxted; Harwich Road, Colchester; Clingoe Hill, Colchester; Cymbeline Way, Colchester and Via Urbis Romanae, Colchester. The application had been referred to the Committee because the applicant is Colchester Borough Council. The Committee had before it a report and amendment sheet in which all information was set out.

Benjy Firth, Planning Officer, presented the report and, Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Members of the Committee considered the proposed locations and dimensions of the proposed signs to be acceptable. Whilst acknowledging the proposed wording for the signs was not a matter which was relevant to their determination of the applications, clarification was sought regarding the accuracy of the terminology and whether this needed to be investigated further. Detailed discussion took place regarding the background to the mayoral legacy proposals and to separate heritage discussions which had recently taken place in relation to Colchester's strapline.

The Planning Officer confirmed that the Committee's deliberations were in relation to the safety and amenity of the proposals.

The Development Manager reiterated that, notwithstanding concerns about the proposed wording for the signs, the scope of consideration for the Committee members had to be confined to size and location.

RESOLVED (SEVEN vote FOR and THREE voted AGAINST) that, the six applications be approved subject to the conditions set out in the report.

Planning Committee

Thursday, 31 January 2019

Attendees: Councillor Vic Flores, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Chris Pearson

Substitutes: Councillor Nick Cope (for Councillor Lyn Barton), Councillor Robert Davidson (for Councillor Brian Jarvis)

Also Present:

661 Site Visits

Councillors Cope, Davidson, Flores, Hazell, Higgins, Liddy, Loveland and Maclean attended the site visits.

662 Minutes of 3 January 2019

The minutes of the meeting held on 3 January 2019 were confirmed as a correct record.

663 180874 The Langenhoe Lion, Mersea Road, Langenhoe, Colchester

The Committee considered a planning application for the demolition of a former public house and erection of four dwellings and car parking at The Langenhoe Lion, Mersea Road, Langenhoe, Colchester. The application had been referred to the Committee because it had been called in by Councillor Davidson. The Committee had before it a report and an amendment sheet in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Chris Harden, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations. He explained that, since the amendment sheet had been published, a further letter had been received from Fingringhoe Parish Council in support of the proposal for a community shop.

Malcolm Mattack, on behalf of Abberton and Langenhoe Parish Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He lamented the loss of a community asset as a consequence of the proposed development as the building had been a social hub in the village and surrounding area since before 1800. He summarised the previous planning history associated with the site. He was concerned that the current application proposed

the demolition of the building with no acknowledgement that the community facility would be lost. He explained that over 200 objections had been submitted in response to the application, with only 10 in support. He was of the view that most objectors were in support of the provision of a neighbourhood shop. He was of the strong view that the applicant should not be permitted to manipulate the planning process without considering the views of the residents. He suggested that a new application be submitted, consistent with previous proposals which could be supported by local parish councils and he explained that several people had confirmed their willingness to volunteer their time to support a village shop.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposal followed 10 months of work, accorded with planning policies, policy DP4 being met in full and the applicant had agreed to make a voluntary financial contribution. He explained that the public house had been closed for seven years and since the applicant had owned the site two planning applications for demolition of the building had been approved, including alternative health and retail uses, both of which had been the subject of robust marketing campaigns. Options had also been explored with the Parish Council. He was of the view that pubs and shops tended to fail because they are not used by residents and this appeared to be the pattern in Langenhoe. He considered the applicant had made considerable efforts to provide a viable use for the building, but this could not continue indefinitely and he did not consider that a new application would emerge, should this proposal not meet with approval.

Councillor Moore attended and, with the consent of the Chairman, addressed the Committee. She referred to the 250-year age of the building and that the brewery had made the business unviable which had forced the public house to close. She considered the Council needed to guard against the loss of the facility to the community and sought support for the community use to be retained. She was of the view that a community-run shop would fulfil this need. She did not agree that policy DP4 had been met as there was no alternative facility, the business was not unviable and there had been no consultation with residents. She considered the marketing exercise had failed because the costs had been too great. She was aware that local people were very keen to run a community shop from the ground floor of one of the proposed units and suggested this could be undertaken on a trial basis for a period of years. She considered the Committee should have the best interests of a rural community at heart and requested the Committee members to consider deferring the determination of the application to enable consultation with the community with a view to securing a community shop.

The Senior Planning Officer explained that the public house had closed in 2011 and that marketing exercises had failed to secure any alternative uses for the business. The question of a community shop had been discussed with the applicant but concerns had been expressed in relation to the provision of adequate parking facilities and amenity issues from a retail use adjacent to residential properties. In addition, there could be

problems should a volunteer shop venture failed, whilst an alternative option might be for a community shop to be run from the village hall. He considered sufficient marketing of the building had been undertaken and did not consider it reasonable to require the applicant to further delay the proposals.

Councillor Davidson explained that he had called in the application following meetings with both the Developer and the Parish Council. He confirmed that he had called in the application and had been involved in discussions with the Parish Council, however he had not yet formed a view on the proposals.

Members of the Committee generally sympathised with the concerns expressed by the Parish Council and its desire to retain the community asset.

A number of Committee members supported the suggestion to defer the application for a few weeks to see if it was possible to agree an alternative proposal incorporating a community space, given the length of time the application had already taken to come to the Committee the location of the building on the route to the local school, the prospect of a significant number of new dwellings allocated in the Local Plan and the lack of on-site parking not necessarily being significant. Clarification was sought on the number of representations opposing the application as specified in the report, whether the number of objections as a proportion of the size of the community was considered significant and whether it would be possible for the existing building to be retained.

Other members of the Committee acknowledged that the failure of the public house had been due to a lack of support and were sceptical about the potential success of a community-run facility and concerned about the implications of a subsequent failure of the venture. Acknowledgement was given to the tests contained in policy DP4.

The Senior Planning Officer explained that the existing building was not nationally or locally listed although a condition had been proposed to record its historical features and, as such, there were no grounds to insist on its retention. He considered the application had been the subject of detailed discussions over a period of 10 months, during which no proposal had been received from the Parish Council in relation to a community-run facility. He confirmed that the report had included 99 representations opposing the application, which was lower than the number attributed by the Parish Council but this was due to multiple submissions from individuals not being recorded. He further confirmed that the number of representations in opposition was not considered unusual in relation to the loss of a public house or a community facility.

The Development Manager explained a Listed Building status would provide a significant material consideration in the determination of a planning application. He further explained that the Listing Building criteria for a Victorian-era building were such that the building would need to be an exceptionally fine example with little alteration both externally and internally to achieve Listed Building status. However, this was not the

case in this instance and, although there was a lower level of quality necessary for Local Listing, the principle of demolition of the building had already been established. He also confirmed that it was generally much more expensive to convert an existing building than to build a new one, such that, the proposal to demolish would be more financially viable for the applicant. He also confirmed, in relation to the number of representations generated by the application, that the Committee should attribute weight to the substance not the volume of any comments received.

Further discussion amongst Committee members referred to the parking provision requirement, whether eight spaces would be adequate and whether it would be possible to provide one electric vehicle charging point in the parking area. Reference was also made to the potential for flexibility to be sought from the applicant to accommodate a retail unit for community use, subject to it reverting to residential use if it failed in the future.

The Senior Planning Officer confirmed that it would be possible to reduce the parking provision from nine to eight spaces, however, he was of the view that it would be desirable to retain the ninth space and its alternative access point. He confirmed that an additional condition could be included to provide for an electric vehicle charging point.

RESOLVED (SIX voted FOR and FOUR voted AGAINST) that, the application be deferred for a period of one month to enable further engagement to take place between the applicant and the community / Parish Council with a view to a business plan being prepared for a possible 'community space'.

664 182568 182 Old Heath Road, Colchester

The Committee considered a planning application for the Erection of single storey side and rear extension at 182 Old Heath Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Lilley. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Angela Cole addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that the property had been in her family's ownership since the 1960's and she intended to retain ownership and improve it for use by a single-family occupant. She had endeavoured to take on board the comments made by the neighbours and the ward councillor and she had designed the development to be a quality build. She confirmed her intention was to rent out the property in the short term and it was possible that she may return to the

property to live. Although not a planning consideration, she was aware of Party Wall Act considerations and intended to instruct a surveyor, structural engineer and professional builder to ensure the neighbour's concerns were addressed. She asked the Committee to approve the application.

Councillor Fox attended and, with the consent of the Chairman, addressed the Committee. He explained that Councillor Lilley had called-in the application but had been unable to attend this meeting. He explained that there were genuine concerns from the neighbours in relation to the impact in relation to loss of light and proximity to the boundary. He acknowledged these matters had been addressed in the report but he encouraged the Committee members to consider the impact on the neighbours.

The Senior Planning Officer explained that, in terms of potential loss of light to the neighbouring conservatory as a consequence of the development, light was already being blocked to the conservatory due to the existing built form. She considered there may be an additional loss but this would be minimal due to the proposal being single storey only, with a low pitch to the roof. She also confirmed that the proposal passed the 45-degree angle test contained in the Essex Design Guide, as such the proposal was considered to be acceptable. In relation to the proximity to the boundary, she explained that this could be addressed by means of the Party Wall Act provisions which was not a planning consideration, but the applicant had confirmed her intention to undertake the necessary legislative requirements.

Members of the Committee acknowledged the application conformed to planning policies. Clarification was sought in relation to the potential need for the hours of construction work to be specified, whether Permitted Development Rights should be removed for the property and whether any additional support could be provided by the Council to assist residents in relation to Party Wall Act concerns.

The Senior Planning Officer confirmed that an additional condition could reasonably be included to specify the standard hours of work for construction purposes, which would be between the hours of 8:00 and 18:00 on weekdays, 09:00 and 13:00 on Saturdays and none on Sundays and Bank Holidays. She also confirmed that it was not common practice to remove Permitted Development Rights in association with residential developments of this nature, unless there were very good reasons for doing so.

The Development Manager confirmed that all conditions applied to a planning permission were required to be met certain tests, one of which was necessity and, in the instance of a single storey rear extension, he advised there would be no justification for the removal of Permitted Development Rights. In addition, he sympathised with the concerns of the neighbours but confirmed that the Party Wall Act was a civil legal matter strictly between the two parties concerned and, as such, the Council was unable to offer any assistance.

RESOLVED (UNANIMOUSLY) that, the application be approved subject to the conditions set out in the report and an additional condition to control the hours of construction.

665 182939 Café in the Park, Castle Park, High Street, Colchester

Councillor Liddy (by reason of his directorship of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a planning application for an extension to the existing externally accessed public toilets located within cafe building at the Café in the Park, Castle Park, High Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes.

RESOLVED (UNANIMOUSLY) that, the application be approved subject to the conditions set out in the report.

**AMENDED HAVE YOUR SAY ARRANGEMENTS FOR
ALUMNO STUDENT ACCOMMODATION
PLANNING COMMITTEE MEETING
28 FEBRUARY 2019**

AMENDMENT TO SPEAKING ARRANGEMENTS:

Members of the public have made representations about the Have Your Say! arrangements for the application regarding the **Alumno Student Accommodation, Queen Street, Colchester**. The Chairman has listened to the concerns expressed and has, accordingly, agreed to increase the number of speakers to five in opposition and five in support of the application. The detailed arrangements, as now amended, are set out below.

DETAILS:

The meeting of the Planning Committee on 28 February 2019 will be held in the **Moot Hall, Town Hall, Colchester**. This is because it is likely that there will be a larger than usual number of people who will wish to attend the meeting.

One of the applications to be considered at the meeting is regarding **the Alumno Student Accommodation, Queen Street, Colchester** which has generated a significant amount of public interest and, accordingly, the Chairman has agreed to vary the arrangements for the public to make representations (called Have Your Say!) **for this application only**.

The changed arrangements for speaking **for this application only** are:

- up to **five speakers** will be permitted to address the Committee for up to a maximum of **three minutes** each **in opposition** to the application and
- up to **five speakers** will be permitted to address the Committee for up to a maximum **three minutes** each **in support** of the application.

As is usual, speakers will be timed and a bell will be rung when there is one minute remaining and again at the end of the three minutes.

In respect to speakers who wish to address the Committee in opposition to the application, if necessary, the Chairman may need to consider giving priority to speakers who represent organisations or those who represent a significant body of the population, for example organised / resident / community groups and societies.

Names of speakers will be **recorded prior to the meeting**. If you wish to register to speak to the Committee please **tell a member of staff when you arrive at the Moot Hall**. They will be located just inside the Hall, and they will give you instructions on how to register to speak.

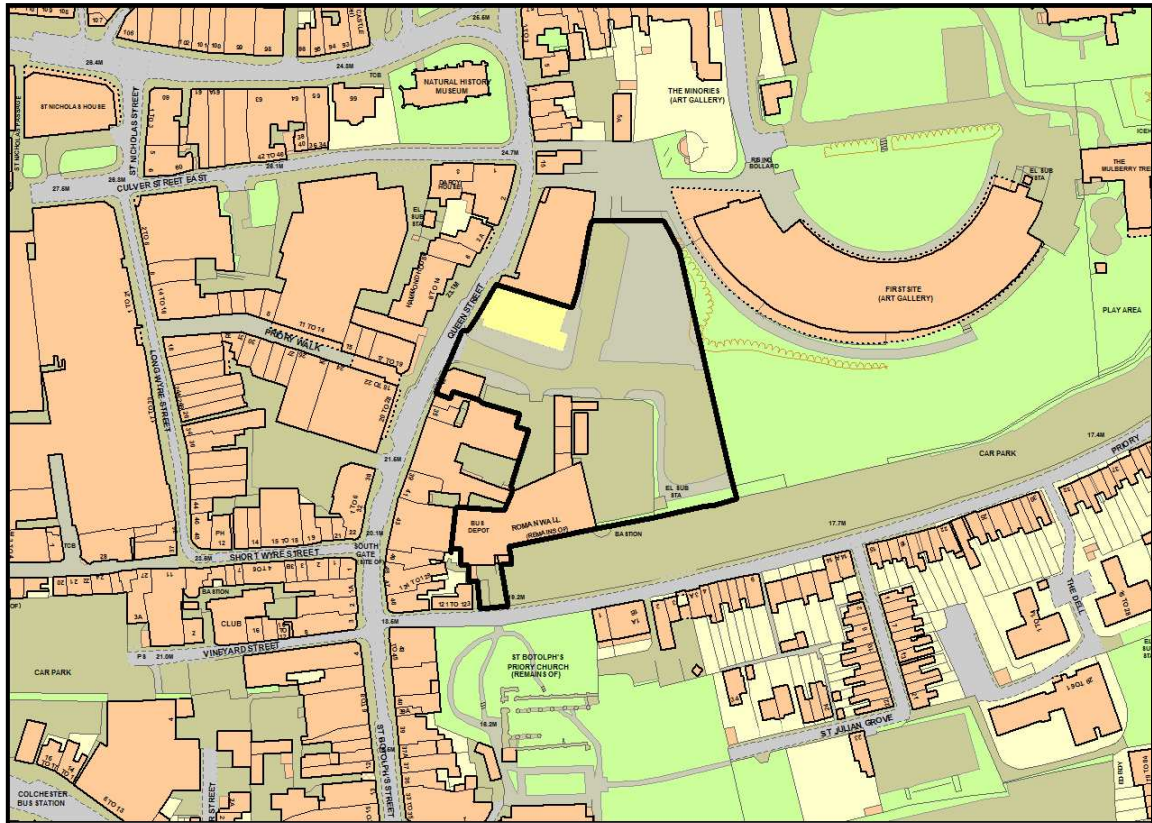
The meeting will **start at 6pm** but members of the public are encouraged to arrive in good time and we will aim to provide **access to the Hall from 5.00pm**.

For general advice on the content of your speech, please read the guidance on the Council and Meetings pages of the website on the link entitled Have Your Say [here](#). Please be aware that you will not be able to engage in a dialogue with the committee, but any questions you pose in your speech may be noted by the planning officers and they will be able to answer such questions in their response to speakers.

For further information about these arrangements contact:

amanda.chidgey@colchester.gov.uk

01206 282227



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Item No: 7.1

Application: 182120

Applicant: Alumno Student (Essex) Ltd

Agent: Turley

Proposal: Demolition of existing buildings/structures and redevelopment to provide purpose-built student accommodation; hotel; commercial space (Use Classes A1, A3, A4, B1(c) and D2); artist studios; and associated vehicular access and public realm improvements.

Location: Land at, Queen Street, Colchester

Ward: Castle

Officer: Alistair Day

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it a major application to which objections have been received. Planning Committee approval is also required because a s.106 legal agreement is recommended.

2.0 Synopsis

- 2.1 The key issues for consideration in this application are:

- a) conformity with the development plan and adopted guidance;
- b) the quality of its design;
- c) effect on heritage assets;
- d) access arrangements with particular regard to highway safety;
- e) parking provision with particular regard to highway safety;
- f) impact on amenity;
- g) impact on air quality
- h) effect on ecology

- 2.2 The above issues, together with other planning objections raised in respect of this application, are considered in this report. The report concludes that, subject to the suggested planning conditions and s106 obligations, the proposal constitutes sustainable development and is in substantial conformity with the Council's adopted development plan and national planning guidance. Members are asked to resolve to approve this application (subject to suggested conditions and s106 legal agreement).

3.0 Site Description and Context

- 3.1 The application site is an irregular shaped area of land that extends to some 0.8 hectares. The site is located to the east of Queen Street on the south-eastern edge of the Colchester town centre. To the north of the application site is what has become known as 'Firstsite Square'. The Firstsite art gallery and Berry Fields (currently used for school playing fields) are located to the east of the application site. The line of the town wall defines the southern boundary of the site. The west boundary of the site is formed by the rear of the buildings that front onto Queen Street.
- 3.2 The main body of the site was formerly used as a bus station and now consists of rough ground. A single storey building (the former ticket office) is located on the Queen Street frontage to the south of the existing access into the site. To the north of the access road is the site of the now demolished St James House (former Keddies department store). The rear section of the former bus depot occupies the south western corner of the application site; the south flank of the bus depot is built directly onto the

town wall. The front façade of the former bus depot addresses Queen Street and is located outside the application site boundary. The application site also includes a section of the town wall and an area of land to the south of it (adjacent to Prior Street car park). The town wall is dual designated (i.e. it is a scheduled ancient monument and listed Grade 1). Within the application site, there is a band of semi mature trees on the north side of the wall and two trees to the south of the wall. To the north of the former bus depot are various non-descript outbuildings, garages and boundary walls. The site falls within the Town Centre Conservation Area (Colchester Conservation Area No.1).

- 3.3 Queen Street bounds the west side of the application site and contains many eighteenth and nineteenth century buildings. Parts of the street are however despoiled by modern interventions. Roman House is located adjacent to the north west boundary of the application site. This is a 1960's office building which has recently been converted into a cinema (Curzon) with retail units (A3) to the ground floor. The general design of the building is very much of its time and has little affinity with the historic buildings in this street, although its visual appearance has been much improved as a part of the recent conversion works. The frontage of the former bus depot is located to the south west of the application site boundary. The structure behind the front façade of the depot essentially consists of an industrial shed. Between the depot and the former ticket office building are nos. 33 & 35, 37 & 39 and 41, which are listed at grade II for their special architectural or historic interest.
- 3.4 To the north of the application site there are retail, commercial and residential properties, which vary in date and architectural style. They include the Gothic style folly which dates from mid-eighteenth century and nos. 67-72 High Street. These buildings are listed grade II for their special interest. 15 Queen Street is also a building of note (locally listed).
- 3.5 Priory Street car park is located immediately south of the town wall and is set at lower level than the land on the north side of the wall. The car park was formed following the demolition of old properties in the mid twentieth century which has opened-up views of one of the best preserved sections of the town wall. The south side of Priory Street is largely built up with attractive terraces of mid nineteenth century cottages and villas in a variety of styles. At the west end of Priory Street is a converted nineteenth century school and the boundary gates and railings to St Botolph's Priory (a scheduled ancient monument).
- 3.6 Further afield, but in the immediate context of the site, is the Castle (a scheduled ancient monument, grade I listed and the grounds designated as an historic park and garden), the Colchester War Memorial (grade II), Holly Trees (grade I), East Lodge (grade II), Hill Crest (grade II), East Hill House (grade I), Greyfriars (grade II *), the Minnories (grade II*), All Saints Church (grade II), nos. 3 and 7-9 Queen Street (all grade II), 71 Culver Street East (grade II*) and St Botolphs Church (grade II).

4.0 Description of the Proposal

4.1 The planning application description for this development is as follows:

“Demolition of existing buildings/structures and redevelopment to provide purpose-built student accommodation; hotel; flexible commercial space (Use Classes A1, A3, A4, B1(c) and D2); and associated vehicular access and public realm improvements”.

4.2 The Design and Access Statement provides the following more detailed description of the development:

Student Accommodation:

- 336 student rooms, with a mixture of en-suite study bedrooms arranged in flats of predominantly five or eight students sharing a kitchen/ dining room; studio rooms, incorporating both an en-suite shower room and a kitchenette; and study bedrooms sharing both a kitchen / dining room and shower rooms;
- Reception and management office;
- Common rooms, with a mixture of social study space, games areas, TV and relaxation space;
- Laundries;
- Bike storage;
- Other ancillary accommodation.

Hotel:

- 87 bedrooms and associated facilities including a reception area, breakfast room with kitchen, back of house areas.

Commercial space:

- 1200sqm in units of various sizes, including kiosks, a flexible community room, and artists' studios.
- Bike storage for all uses.

(The commercial units are provided at ground level under the hotel and student accommodation, along the street frontages).

4.3 In addition to the above, associated public realm and landscape works are proposed (and include an access ramp from Priory Street and highway improvement works in Queen Street).

5.0 Land Use Allocation

5.1 The following land uses are identified in the local plan:

- Regeneration Area
- Mixed Use
- Local Wildlife site
- Unallocated 'White land'

6.0 Relevant Planning History

6.1 The following applications relate directly to the application site boundary:

170158 St James House, Queen Street
Demolition of St James House and the Waiting Room -
Approved

131325 Bus Station & Depot; Change of use of temporary bus station
to Playing field (change to D1/D2 use) Part removal of
shelters, retaining wall and other elements of street furniture.
Extension of existing playing field including new earthworks,
boundary enclosure and soft landscaping – Approved

CA/COL/02/2012 Demolition of existing building – Approved.

F/COL/02/2011 Single storey bus drivers canteen – Approved

98/0482 Outline application for erection of a multi-screen cinema,
health and leisure centre (D2) in addition to pubs/restaurants
(A3) together with a new bus station and associated car
parking and access – withdrawn

6.2 The following application relate to the immediate context of the current
application site boundary:

160943 Curzon Cinema, Roman House, 19-23 Queen Street
Change of use to Class A3/A4 commercial and Class D2
Leisure. Internal alterations to form 2 ground floor Class
A3/A4 units and a Class D2 Leisure with ancillary café/bar
over ground, first and second floors with external seating
areas. External alterations - Approved

122272 Old Police Station, 37 Queen Street
Alterations, demolitions and repairs to existing building,
including change of use to creative business centre and café
- Approved

7.0 Principal Policies

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
s.70 (2) of the TCPA 1990 (as amended) requires the authority shall have regard to—

(a) the provisions of the development plan, so far as material to the application;

(b) any local finance considerations, so far as material to the application;
and

(c) any other material considerations.

The adopted development plan comprises: Colchester Borough Core Strategy (adopted 2008, reviewed 2014); Colchester Borough Development Policies (adopted 2010, reviewed 2014); The Site Allocations (adopted 2010) and the Proposals Map.

- 7.2 The Core Strategy 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
- CE1 - Centres and Employment Classification and Hierarchy
- CE2 - Mixed Use Centres
- CE2a - Town Centre
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- 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
- ER1 - Energy, Resources, Waste, Water and Recycling

7.3 The adopted Colchester Borough Development Policies 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
- DP6 Colchester Town Centre Uses
- DP10 Tourism, Leisure and Culture
- 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
- DP25 Renewable Energy

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 CE1 Mixed Use Sites
- SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area

7.5 The Council is developing a new Local Plan (Submission Colchester Borough Local Plan 2017-2033) that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo full examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

7.6 The most relevant policies in the emerging plan are set out below:

- Policy SP1 – Presumption in Favour of Sustainable Development
- Policy SG1 – Colchester's Spatial Strategy
- Policy SG2 – Housing Delivery
- Policy SG5 – Town Centre Uses
- Policy SG7 – Infrastructure Delivery and Impacts
- Policy ENV 1 – Environment
- Policy ENV 5 – Pollution and Contaminated Land
- Policy CC1 – Climate Change
- Policy PP1 – Generic Infrastructure and Mitigation Requirement
- Policy TC1 – Town Centre Policy and Hierarchy
- Policy TC3 – Town Centre Allocations
- Policy TC4 – Transport in Colchester Town Centre
- Policy DM1 – Health and Wellbeing
- Policy DM5 – Tourism, Leisure, Culture and Heritage
- Policy DM 9 – Development Density
- Policy DM10 – Housing Density
- Policy DM12 – Housing Standards
- Policy DM15 – Design and Amenity
- Policy DM16 – Historic Environment
- Policy DM 20 – Promoting Sustainable Transport
- Policy DM 22 – Parking
- Policy DM 23 – Flood Risk and Water Management
- Policy DM 24 – Sustainable Urban Drainage
- Policy DM 25 – Renewable Energy, Water, Waste and Recycling

7.7 The National Planning Policy Framework and the Planning Practice Guidance are material planning considerations.

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

- The Essex Design Guide
- EPOA Vehicle Parking Standards
- Community Facilities
- Open Space, Sport and Recreation
- Shopfront Design Guide
- Cycling Delivery Strategy
- Sustainable Drainage Systems Design Guide
- Street Services Delivery Strategy
- Planning for Broadband 2016
- Managing Archaeology in Development.
- Developing a Landscape for the Future
- Planning Out Crime
- Town Centre Public Realm Strategy
- St Botolph's Masterplan
- Air Quality Management Guidance Note, Areas & Order

7.9 In addition to the above Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provide statutory requirements for the decision maker to afford special regard to the consideration of the settings of the nearby listed buildings and the effect that the proposal will have on the character and appearance of Colchester Conservation Area No.1.

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.

Urban Design Officer

8.2 In summary, I would suggest proposals are now good in many ways as required and defined by key national policy (NPPF) and local policy (St Botolphs Masterplan). However, I am still unconvinced by some relatively detailed though important aspects where I would seek revision/clarity. I would therefore be happy to support the scheme, subject to reassurance that these issues will be suitably dealt with through Section 106 agreement

and condition. It should be recognised that the scheme is significantly better than an average edge of town centre scheme nationally and the site is crying out for regeneration. My comments focus on summarising scheme strengths and areas where revision and suitable clarity should be secured through the Section 106 and conditions:

Strengths

- Pedestrianisation of the site which is facilitated by uses which don't require on-site parking, small scale remote parking for the hotel and I understand legal restrictions on students owning cars;
- A mix of uses, including vertically, which will help socialise and self-police new and adjoining public realm at all times;
- A particularly attractive frontage to Berryfields, characterised by complementary form modelling rising up the hill, clay materiality and refined fenestration;
- Development which reasonably complements the town wall and Priory Street scene, despite very challenging (competing) objectives, i.e. demonstrating enough form and architectural presence, interest and activity to positively and distinctly contribute to good placemaking, though just about without unduly imposing on the historic setting. Sensitivity is particular apparent in the stepping of the building form away from the wall, the courtyard garden which recesses much of the façade, the calm architecture and use of locally derived materiality;
- A generally acceptable townscape and active commercial route network focussed on a new north-south spine which allows for a range of potential uses to foster including those complementing the masterplan's cultural quarter aspiration. Crucially this is well linked (or at least future-proofed with regard to the former bus depot) to the existing town centre and Firstsite;
- Attractively landscaped new public square atop of the town wall, off which is a new inclusive pedestrian link to St Botolphs Priory and a well landscaped footpath potentially to Berryfields along the wall;
- Some crenelated (with intermittent set-backs) top floors which induce form and skyline interest and pleasingly visually break-up facades into more human-scale components, informed by the historic plot-derived precedent and well-related to individual shopfronts; and
- A compact town form of development which complements the existing character of the town centre, is in keeping with the masterplan and makes efficient use of valuable land.

Recommendations (Section 106 and Conditions)

- A. The section 106 agreement should ensure adequate public access to the east covering general permeability, access along the town wall (including the most intact bastion) and to access Berryfields. I am happy to accept restricted east-west access to Berryfields between student blocks (aligned to the side road to Queen Street) given user requirements, so

long as through the section 106 agreement this allows unhindered public access in 'daytime' hours through to Berryfields when this is open to the public. I am also happy to accept that, in the short term, access along much of the wall can be restricted to times when Berryfields is open to the public. This agreement should also allow the Council to unilaterally open the route up permanently if Berryfields was equally opened up as a permanent public park, potentially facilitated by St Thomas More's lease on the eastern portion of the field being terminated/relinquished. For now, I understand the Council own the western portion of the field and Essex County Council the east, with public access to Berryfields only possible outside term time under the terms of the lease to the school.

- B. The St Botolphs Masterplan shows mixed use development frontage wrapping around the back of what is now the Creative Business Centre, to face onto new streets contributing to attractive and viable commercial circuits. Although proposals do not provide such a wrap, I am satisfied that the choice of retained buildings to the north and west would provide acceptable levels of spatial enclosure and the scope over time for these to be remodelled to provide active commercial-type frontage in the future. However, to the south where the old prison cells lowly yard wall would back onto 'John Ball Square', the section 106 agreement and a condition should be devised to future-proof and facilitate, without ransom or other constraint, the opportunity to provide on the cells yard active commercial south-facing frontage onto 'John Ball Square'. A condition should ensure the railings (and associated ramp if necessary) and planting bed adjoining the 'cells' yard are redesigned so that the adjoining land owners, through the Section 106 agreement, can easily and unilaterally replace the planting bed and railings with a fully paved and flush infill of the square (also designed through the condition) to complement any new building on the cells yard.
- C. Across the site, the section 106 agreement should ensure existing adjoining sites can have reasonable customer and service access onto new streets and spaces without ransom.
- D. Although I could support the 4 storey massing to First Site Square, I am still not convinced by the elevation treatment which should for, its prominent location at least, benefit from further expressive detailing framing a key space, alongside Firstsite and visible from Castle Park. Given timeframes, such refinement might be addressed by conditioning the whole elevation. For when improvements are looked at, I would recommend more expressive detailing (e.g. for example considering feature brickwork and/or reveals) and perhaps focussing most attention on shopfronts (street level) and top floors (skyline).
- E. I am still not convinced by the elevation treatment of ground floor commercial frontages, which I would suggest are all conditioned to ensure further improvements are made befitting their visual prominence and importance to the cultural quarter vision.
- F. Gateway areas to Berryfields (including landscape proposals, boundaries and gates) should be conditioned to ensure these are exceptionally well defined and expressed to promote legible public

access and a decent sense of engagement between the space and its surroundings. This is needed to mitigate the 'single point of entry' student accommodation development format which inherently cannot meet the St Botolphs Masterplan recommendation that "all frontages are activated by building entrances". I would suggest this includes gates which can open to 2m min, noting these currently appear too meanly dimensioned for public access.

- G. Privatisation of publicly accessible town centre streets and spaces is contentious from a civil liberties perspective and especially here where it involves access to historic assets and for a cultural quarter where freedom to express should be a fundamental principle. I would therefore recommend the Section 106 ensures privately-owned 'public realm' has comparable rights as if publicly owned, avoiding excessive behaviour controls and closing off of routes without permission from the local authority.
- H. I am unconvinced by the proposal for textured aggregate (reconstituted) 'granite' sett paving, given the historic context, granite isn't a local material and has only been used very sparingly in the town (e.g. kerbs and the odd very short stretch of carriageway), such reconstituted granite bears little resemblance in terms of outlook and quality to granite and especially to the type previously used in the town, and this would set an unfortunate precedent for further use in the town centre. Given timeframes, I would suggest the areas suggested for this material are conditioned so both applicant and LPA can keep an open mind informed by further information and samples.
- I. Key materials and details should be conditioned with an informative that the design style requires high quality. Key details and materials include bricks (with an informative opening up the potential for more variation than currently implied), tiles, mortar, feature brickwork, panelling, windows, cills, window brise soleil and columns, dormers, entrances, opening surrounds, reveals (deep reveals will often be crucial as indicated on CGIs), boundary treatments including gates, shopfronts, string courses, oriels, bays and rainwater goods.
- J. Public realm proposals for Queen Street are welcomed though raise concern at the detailed level and as part of a coordinated approach. I would therefore suggest its design is conditioned and, if possible, proposals informed by a wider vision for Queen Street in partnership with Colchester and Essex councils. For now, I am concerned over the number of bus stops (3) which appear to excessively eat into the eastern footpath, materials (especially as these would in effect set the palette for the rest of Queen Street), the lack of crossing point aligned to Priory Walk and that service bays are designed as an extension of carriageway rather than on-footpath.
- K. I understand a to be determined through condition standalone art work is proposed alongside the blank exposed gable at the central gateway to the site from Queen Street, i.e. arising from the demolition of the existing Sofa Express building. However, considering space constraints and the walls lack of active frontage, I would instead suggest using a fuller extent

of the blank wall to provide a larger 'canvas' for gateway art, perhaps also with an integral line of seating with the wall as the backrest.

Landscape Officer

- 8.2 No Objection subject to conditions.

Archaeological Officer

- 8.3 The revised layout and piling design is an improvement because the piles are now slightly further from the Town Wall.
- 8.4 A statement, from Conisbee (dated 10/12/18), has been submitted about the impact of piling (vibration and lateral movement) on the Town Wall and based on this specialist assessment I am satisfied that the piling will not have an untoward impact on the Town Wall.
- 8.5 An acceptable lichen survey (dated January 2019) has been also carried out for the Town Wall. A survey relating to other vegetation along this section of the Wall is also required, to establish the significance of vegetation along this section of the Wall (that may be impacted by the development).
- 8.6 In addition, as previously advised (6/12/18) the current Town Wall condition survey (Schedule of Condition by Consil, November) is unsatisfactory and needs to be revised.

Officer Comment: It has subsequently been agreed that a condition survey can be conditioned.

Arboricultural Officer

- 8.7 No Objection

Environmental Protection

- 8.8 No Objection subject to conditions

Contamination Land Officer

- 8.9 The submitted Geoenvironmental Assessment reports are acceptable evidence in support of this application. Based on all of the information provided in support of this application, it would appear that this site could be made suitable for the proposed uses. Consequently, should this application be approved, Environmental Protection would recommend inclusion of the following conditions:

- Contaminated Land (Implementation of Approved Remediation Scheme)
- Reporting of Unexpected Contamination
- Validation Certificate

Spatial Policy

- 8.10 The proposal conforms in principle to Core Strategy Policy SD1; Policy SATC1, DPD Policy DP6 and Policy DP17. The adopted plan is in the process of being replaced by a new Local Plan which can be given some weight as it has been submitted for examination. The proposed scheme is also in general conformity with emerging Policy TC3 which envisages St Botolph's as a mixed-use scheme providing a cinema, 85 room hotel, restaurant cluster, retail, student accommodation and a creative business centre. It also complies with Policy SG2 Housing Delivery and Policy DM10 and Housing Diversity, which specifically includes student housing. The proposed scheme is supported by the government's objective of significantly boosting the supply of homes, including for students (NPPF Paragraph 61) and their commitment to delivering the social, recreational and cultural facilities and services the community needs (Paragraph 92 of the NPPF). The student housing will help deliver against Colchester Borough Council's objectively assessed housing need.
- 8.11 The design aspects of the scheme need to be considered in light of DPD Policy DP1 which requires that all development must respect and enhance the character of the site, its context and surroundings; Emerging Policy DM9 Development Density which confirms regard must be had for the character of the site and its immediate surroundings, and NPPF Policy 12: Achieving well-designed places. The development proposes some significant benefits in terms of creating high quality built form, varied public spaces and pedestrian linkages between the High Street and Castle Park and Priory Street. These benefits will need to be evaluated against any uncertainties regarding the extent to which the scheme addresses an animated and well-designed streetscape as envisaged in the 2005 Masterplan and the significance of the visual effects when viewed from The Priory, Priory Street and Castle Park.
- 8.12 The heritage aspects of the scheme, including enhancement of the setting of the Town Wall and views from the Grade 2 designated Castle Park, require assessment against DPD Policy DP14; Emerging Policy DM16: Historic Environment and NPPF Section 16: Conserving and enhancing the historic environment. The proposed development will retain the scheduled Town Wall (whilst making provision for ramped and stepped access from Priory Street car park through the former theatre yard wall). The significance of the town wall is assessed as very high with setting contributing appreciably to significance, as described within the applicant's Heritage Statement. The Townscape and Visual Impact Assessment identifies that there will be a Moderate Adverse effect on the character area of St Botolph's Priory and Priory Street and that this is a Significant Adverse impact. The effect on views from Castle Park is also identified as Significant Adverse. Reduced parking standards are applied as allowed under DPD DP19.

- 8.13 Substantial green roofs appear to be proposed as part of the development and further detail of this would help assess the contribution to green infrastructure and biodiversity enhancement.

Conclusions

- 8.14 The scheme conforms in principle to the policies governing sustainable development, housing and urban regeneration in the adopted and emerging local plans and the relevant chapters of the NPPF. The prominence of this key town centre site, however, means that design and heritage issues are of particular importance and in order to deliver fully against these policies detailed comments from specialist advisors in these areas will be key to assessing the overall planning balance.
- 8.15 Spatial Policy has also advised that:
- The site lies within the Town Centre as illustrated on the adopted plan Proposals Map. The NPPF only requires sequential and impact tests for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan so neither test is required for this centre location; and
 - There have been no objections through consultation on the emerging Local Plan to residential/student accommodation use of the site.

Transportation

- 8.16 No objection, subject to amendments to the Student Travel and the proposed hotel having its own independent Travel Plan. Contributions have been requested through the Council's Development Team for a contribution towards improvement of cycleways in the area, the implementation of Travel Plan measures and joining the Colchester Travel Plan Club. It is noted that these have been agreed.

Highway Authority

- 8.17 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:
- Construction Management Plan to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway; and
 - No occupation of the development shall take place until the following have been provided or completed:
 - a. A priority junction off Queen Street to provide access to the proposal site as shown in principle on the planning application drawings
 - b. Public realm improvements in Queen Street similar to those shown in principle on the planning application drawings

- c. A travel plan in accordance with Essex County Council guidance

Historic England

- 8.18 Historic England were formally notified in September 2018 of comprehensive redevelopment proposals for the above major town centre site, following detailed discussions at pre-application stage, and we provided our advice in October 2018. We then engaged in a series of detailed discussions with the applicants and your authority with the aim of addressing concerns regarding specific elements of the overall scheme. We consider the revisions that have been incorporated by applicants Alumno have satisfactorily addressed our concerns and we now have no objections to the proposals on heritage grounds.
- 8.19 The site is located inside the southern circuit of the Colchester Town Wall which is designated as a scheduled monument and whose setting would be radically changed by the development. The site is also adjacent to a second scheduled monument: Roman building in SE corner of Roman town which includes the buried remains of Roman buildings. Archaeological evaluation has shown that the application site has the potential for the survival of nationally important buried archaeological remains. The site is also located within the Colchester 1 Conservation Area.
- 8.20 Historic England have actively participated in pre-application discussions since 2005 with several potential developers, following the adoption of the St Botolph's Quarter Masterplan, which showed buildings of the scale and general arrangement currently proposed. Each of the previous schemes comprised a hotel fronting Queen Street, together with a mixture of retail and commercial use at ground floor, and private residential apartments above. However, the constraints of this location meant that in planning policy terms it was not feasible to provide car parking or amenity space within the site for privately owned apartments and, due to the downturn in the economy together with evolving market expectations, none of those schemes was taken forward. With respect to each of the previous iterations of proposals for the site, we had major concerns regarding the scale, massing and detailed design and advised that none of those schemes would have been contextually appropriate.
- 8.21 The Town Wall marked and defended the Roman town. Following the razing of the colony in the Boudiccan revolt of AD60, the settlement was rebuilt and walls constructed between AD 65/80-125, making Colchester the earliest walled town in the Roman Province.
- 8.22 The defences were modified in the later Roman period and appear to have been maintained during the later Saxon and medieval periods, culminating in the addition of bastions in the fourteenth century. The walls played their final defensive role during the siege of Colchester in 1648, suffering significant damage, and beginning a period of post-medieval robbing and collapse. [Today] although the circuit is incomplete, major stretches;

including that in Priory Street are well preserved, including the medieval bastions, while attrition to the original external face resulting from the siege and the evidence of post-medieval development against its external face contribute to its continuing importance in the history of Colchester.

- 8.23 The key element of setting of the Town Wall as it relates to the application site in Priory Street is the spatial differentiation between the intra- and extra-mural areas which abut it. The area within the walls is marked by the raised ground surface resulting from the presence of an intra-mural rampart and a successive build-up of the ground surface from urban development. Most recently occupied by the bus station (and garage) and abutted by Berryfields, the south east part of the town was historically less developed than elsewhere and the current uses are the successors of gardens and plots behind the frontage development on Queen Street and East Hill. Outside the Town Wall, Priory Street itself originates as the extra-mural street, sited beyond the now infilled town ditch. Although it was subsequently developed with housing on both frontages, removal of housing on the north side and the creation of a car park skirting the Town Wall, has re-established open space abutting the Wall and provides key views of the Wall.
- 8.24 The ruined Augustinian priory of St Botolph is situated immediately to the south of the Wall on Priory Street and both heritage assets share reciprocal key views. While the bus garage and the car park are detracting features within the two principal elements of the Wall's setting, the spatial character of the intra- and extra-spaces and the reciprocal views to and from the Town Wall make an important contribution to the significance of the Town Wall, as do views to and from St Botolph's Priory, one of several important monastic foundations which were customarily located outside the town walls.
- 8.25 Taken together, the remains of the Roman Town Walls and the Balkerne Gate are of international importance. Even when taking into account the loss of part of the circuit and most of the gates, the survival of Roman fabric is exceptional. The extant Wall on Priory Street, with its surviving 14th century bastions, is among the best preserved in the country. The Town Wall has considerable evidential value, comprising the extant fabric and archaeological remains relating to other aspects of the defences: the associated gateways, defensive ditch and internal rampart; and additionally the associated archaeological deposits which shed light on life in the Roman town. This is enhanced by its historical significance of being the very earliest town defences in the province, and its aesthetic value. It is a clearly legible historic structure, highly sensitive to the quantum of development which could be built within its setting without causing harm its significance, but also offering the potential for the creation and enhancement of public realm which could positively contribute to its significance.

- 8.26 The current owners, Alumno Developments specialise in student accommodation and their proposals divide the site into two parts. An 87 room Travelodge over four storeys, together with two medium-sized retail units at ground floor level are proposed fronting Queen Street. To the rear would be three blocks, ranging in height from two to five storeys; comprising a total of 340 student bedrooms with commercial space at ground floor level that would form a new north-south street. To the south the student accommodation would front onto the Town Wall, and to the east the blocks would face the Firstsite building/Berryfields.
- 8.27 In relation to the scheme as submitted in September 2018 we advised that, in principle, the form of the mixed use development has the potential to successfully respond to the sensitive character of the site, as well as offering heritage benefits in terms of enhancing the management, amenity and interpretation of the intra-mural public realm immediately inside the Town Wall. Nevertheless, we had concerns regarding aspects of the design and massing of the scheme, including the degree to which the major changes to the setting of the Town Wall would harm its significance. Elements of the scheme required further discussion, and further information was required to assess the impact of the scheme in order to comply with the requirements of the National Planning Policy Framework paragraphs 189, 194 and 196.
- 8.28 The purpose of the planning system is defined in the NPPF as to contribute to sustainable development. That is to meet the needs of the present without compromising the ability of future generations to meet their needs, (paragraph 7). To achieve this, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental objectives, (paragraph 8). In determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 192).

The NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, (paragraph 192). It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 193. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).

- 8.29 Setting is then defined in the Framework as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'. Further guidance (paragraph 13) of the Planning Practice Guidance states that local planning authorities may need to consider the implications of cumulative change when assessing any application for development that may affect the setting of a heritage asset.
- 8.30 In light of the site's constraints regarding private residential development, we consider the proposed student accommodation, the overall scale and design of which was supported by Colchester's Design Review and Design Council CABE, to be generally the most appropriate scheme we have seen to date in terms of scale and sensitivity to the surrounding urban grain. We had concerns in relation to several detailed design aspects of the proposals as submitted in September 2018, which would erode the setting of the Town Wall, causing harm to its significance.
- 8.31 Further to our discussions since October 2018 with applicants Alumno and your authority regarding detailed aspects of the scheme, Historic England are of the view that the revised proposals as submitted have now satisfactorily addressed our concerns. In particular, we welcome the increased set back of Block C from the Roman wall by an additional 2.5m and other amendments to the detailed design of Block C; including the elevations facing Berryfields which now have a greater vertical emphasis. We also consider the amendments to the Queen Street frontage; specifically the articulation of the Travelodge hotel block and the detailed design of its shopfronts, have satisfactorily addressed our concerns. In addition to this, we are of the view that the formally submitted revision to the elevational treatment of the north elevation of Firstsite Square Block A has provided a more resolved, finished appearance following the reinstatement of the central bay to four storeys in height and it now being recessed.
- 8.32 In conclusion, we consider the proposals would not now cause harm to the significance of the Town Wall, St Botolph's Priory and the Colchester 1 Conservation Area. We therefore have no objections on heritage grounds should your authority be minded to approve the application.

Recommendation

- 8.33 Historic England have no objections to the application on heritage grounds. We consider that the amended application meets the requirements of the NPPF, in particular paragraph numbers 189, 194 and 196.
- 8.34 Consolidation/Repair of Fabric: While it is acknowledged that future maintenance responsibilities for the wall lie with Colchester Borough Council, the retention of brickwork should not necessarily be subject to the results of the Condition Survey where this can be remedied by

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repair/consolidation (Revised Public Realm Concept Design Study). These works would be subject to scheduled monument consent. The internal wall face and window opening of the bastion would require repair/consolidation to be completed before the installation of surfacing/artworks (Planning Application Addendum). These works would be subject to scheduled monument consent. Materials and detailed design for the upstand kerb, paving to the wall and the railings would need to be agreed with Historic England, as would a Method Statement relating to how the junction of the inner face of the Town Wall and this paving is to be treated. It is our view that these elements would require scheduled monument consent in addition to planning permission.

Essex Police

- 8.35 The applicant and the Essex Police have had constructive pre application consultation however the applicant does not wish to apply for full Secured By Design (SBD) accreditation but has stated they plan to build to SBD principles. This is disappointing as it is a voluntary scheme which would offer the greatest protective factor to any potential increase in crime and anti-social behaviour which could be a natural consequence of increased footfall of an already congested area. Should the developers reconsider their decision and decide to apply for SBD accreditation, Essex Police would be keen to support the developer in achieving compliance.

Lead Local Flood Authority

- 8.36 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application there is not an objection to the granting of full planning permission subject to a condition to cover surface water drainage.

Anglian Water

- 8.37 Anglian Water has confirmed that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991.
- 8.38 The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows.
- 8.39 The sewerage system at present has available capacity for these flows via a gravity discharge regime via the strategy indicated in preplanning consultation 26159. Should the proposed strategy require a pumped solution from the development, further consultation will be required with Anglian Water.

- 8.40 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations Part H includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. However, we have yet to receive infiltration logs in accordance with the Building Regulations at this time. We would therefore recommend that the applicant needs to consult [further] with Anglian Water and recommends a drainage condition.

NHS

- 8.41 The proposed development is likely to have an impact on the services of six GP practices including their branch surgeries operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this development.
- 8.42 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.
- 8.43 The development would, if unmitigated, would be unsustainable. In order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, the proposed development must provide appropriate levels of mitigation
- 8.44 A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be **£52,992**. Payment should be made before the development commences.
- 8.45 North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Cadent Gas

- 8.46 The apparatus that has been identified as being in the vicinity of the proposed works is Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).

9.0 Parish Council Response

- 9.1 The site is not Parished

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 25 letters of representation have been recorded in support application. These can be summarised as follows:
- Cultural activities are more likely to happen with this development than without it.
 - This part of town has declined since the removal of the car park and bus station and the resultant site being vacant for so long and resembling a bomb site. The development will bring new life into a run-down area.
 - It will boost the town's economy
 - The development will allow existing business to expand and enhance their existing relationships with other organisations and the community
 - It will provide local employment opportunities
 - The development is in line with the master plan
- 10.3 559 letters of objection have been recorded to both the original submission and the revised plans. Principal concerns raised:-

Principle of the development

- The application conflicts with the development plan land use designation; it is not *culture and/or leisure-focused*
- The development is contrary to the aspirations of the master plan for a 'cultural quarter'
- The site should be used as open space / promote the town's heritage and/or for the enhancement of cultural and leisure facilities
- Development would remove a valuable area of amenity space which provides health and welfare benefits the local community
- Student accommodation is not appropriate in this location; students should be located nearer to the university

- There is no need / demand for student accommodation; student numbers are predicted to drop and are dependent on national and international political and economic changes
- Culture and student accommodation do not mix
- A budget hotel will not breathe new life into a rundown area.
- It is stated that it is difficult to find a 'cost effective' scheme – this should not be used as an excuse for allowing an inappropriate scheme; this is a once in a life time opportunity
- It is a misuse use of an important town centre site
- The site should be used for housing
- The east-west link required by the master plan is not secured

Heritage Impacts

- Buried archaeology on the site will be damaged
- The town wall and its setting will be damaged; the development is too close to the wall
- The development will have an adverse impact on the setting of nearby listed buildings and the character / appearance of the conservation area
- The revised *floor plans* do not show the student block having been 'moved back' from the wall as claimed.
- The amendments are minor and do not represent a palpable reduction in the overall mass and bulk of the building, or a significant reduction on its visual prominence from the Town Wall
- Insufficient Information on opening through Roman Wall
- The development will impact on views afforded from the bottom of East Hill, at the junction with Guildford Rd
- The development will be intrusive from the grounds of East Hill House and impact on this Grade I Listed, Scheduled Ancient Monument; this impact has not been properly assessed.
- The height and utilitarian modern character of the façade facing Firstsite Square will have a marked impact in views from the High Street
- The development will impact on views from the interior of Greyfriars Hotel (Grade II* listed)
- Views of the development from St Botolph's Priory remain classified as significant adverse. This indicates that there will be a pronounced impact upon the setting of this heritage asset
- The only public benefit that will arise from the development is the re-use of a brownfield site. This does not provide a license for poor design

- Historic England comment that this is the best so far; this is not a ringing endorsement of the proposal
- The impact on the Minnories has not been considered
- If Firstsite was built on a floating foundation why isn't this development?
- Modern brickwork on the town wall is not acceptable.

Design Issues

- Overdevelopment of the site / unreasonably high density
- The buildings are out of context with their surroundings in terms of their scale, mass and general appearance.
- It is drab and soulless development
- The building will block views of First Site and detract from its parkland setting
- The development repeats the mistakes of the past
- The proposals show a lack of imagination
- The scheme should be the subject of an RIBA competition
- The development is inward-looking and turns its back on Firstsite
- The close proximity of the buildings means that the interior will be dark; the development will create a wind tunnel – both lead to a poor design.
- The development will impact on the skyline
- The 'active frontage' to the rear of the hotel is reduced in the revised plans and that the opposing façade in the student block also offers no active frontage
- The development should be of a traditional design
- There is a tokenistic provision for public art
- The buildings have a horizontal emphasis and lack articulation at roof level
- The scale and massing of Hotel is inappropriate for Queen Street
- The applicant's submission claims that CABI support the proposal, yet we have seen no objective evidence of this
- The 'traditional' bay widths exceed those of historic buildings on Queen Street.
- Variety and modulation of form continue to remain absent in the revisions
- Works to Gable of 33 Queen Street are not clear.

- The revised plan have hardly changed.
- Whilst Historic England has withdrawn their objection, there are design issues which need to be addressed that are independent from a judgment on Heritage impact

Public Realm

- The scheme fails to provide for an enlarged Firstsite Square
- It will block views of First Site; providing visibility of the VAF from Queen Street has clearly not been central to the design concept
- It will block views from the roof terrace at the Curzon Cinema.
- It fails to Improve the quality of the public realm on Queen Street
- It is claimed that 50% of the site is available for public use; this calculation is a fallacy as it includes the gated student courtyards, gated rampart walk and existing Firstsite Square. Without these elements the figure is nearer to 20% and this comprises mainly streets.
- No assurance has been provided of the 'essential' western connectivity through the Old Bus Depot
- The submitted information does not set out any improvements to Queen Street which will be funded by the development, including provision of the hotel drop-off bay

Ecology Impacts

- The development will be detrimental to the ecology of the area
- It will result in the loss of habitat/damage to the biodiversity of the area.

Highways and Transportation

- The development will increase traffic to the detriment of the town centre
- The site is served by narrow roads which cannot accommodate any increase in traffic
- Increased pressure on existing roads from construction vehicles
- Vehicles backing out of the development into Queen Street will be dangerous
- It is unrealistic to prevent student from owning cars motor bikes etc.
- It is not practical to prevent cars accessing the development during student moving in/out periods.
- The bus service is unreliable
- The development will have an adverse impact on bus services (bus stops) including the park and ride service
- It is not realistic to expect the student to walk to the university
- Cycling is the best option however the network is poor; cycle parking provision is under provided
- The drop off facility for the hotel is not practical

- The access between 13/15 Queen Street is not suitable for vehicles
- Information is conflicting as to what degree of access will be permitted along the spine road and whether this will be restricted by bollards
- Inadequate car parking provision for future students / hotel users
- It will add to parking problems; Priory Street car park is already oversubscribed
- How will the operator enforce a no car policy / how will the management be aware if student own cars?

Amenity Issues

- The development will add to pollution and impact on air quality; the hotel will create a 'canyon' effect
- Queen Street is already subject to high level of anti-social behaviour – this development will add to the problems
- The development will attract drug dealing
- There will be overlooking and loss of privacy given the proximity of student blocks to existing houses
- Noise pollution from students, particularly late at night
- Increased traffic during construction will be harmful to residential amenities due to noise, dust and vibration
- It will lead to increased litter and graffiti in the area
- The development will raise school safeguarding issues – the users will directly overlook the school playing fields the school children will be able to see the students and vice-a-versa

Other Issues

- The Committee need to listen to the many objections / Nobody at CBC listens
- There is a covenant on the land requiring its use for cultural uses
- The development seeks to change private access rights
- What about disabled students?
- It will add to police and NHS resourcing problems
- The CGI are false
- The economics and local politics of this development have not been transparent
- The development is not viable
- The developer has failed to engage with the community
- The application is invalid
- The land is being sold for profit
- It is Corporate vandalism
- If the development fails what happens?
- If student accommodation fails it will become poor quality housing
- The development is not supported by either the University or the Institute
- The benefits of the students to the town are greatly exaggerated.

10.4 The comments from Will Quince MP can be summarised as follows:

- The development abandons the vision of the town centre that residents want to see.
- Student accommodation on this scale is not appropriate in this location
- What will happen to the school playing field?
- The piling will destroy Roman archaeology
- The new Curzon cinema will overlook the proposed development creating a loss of privacy
- The proposal is inadequate in terms of parking provision both for the student accommodation and the hotel (including a disabled parking provision). The nearest car park is Priory Street where the car park has recently been re-designed and the number of spaces reduced. This car park is regularly at capacity.
- The proposed development has 17 accessible rooms and potential provision for a further 17 but provides insufficient disabled parking?
- Colchester Town Station does not operate on Sundays which is when footfall would be expected highest
- The hotel drop off layby is inadequate and could cause highway obstruction issues, especially given the large number of buses that already use what is a narrow street.
- How will access work in respect of third party access and disabled access to the proposed development, Firstsite and the surrounding businesses?
- How will the proposed rising bollards work be managed? Who will control these and how long will the wait be before they open? This could cause a significant obstruction to the highway, especially for larger delivery vehicles. How will deliveries work?
- There is no turning circle on site, how will lorries enter and leave the site without causing significant obstruction to what is already a congested road?
- Queen Street / St Botolph's is a key bottleneck through the town centre; not enough is being done to mitigate the additional traffic which will be added.
- The proposed development does not set out a coherent architectural style or fit with the multi-million pound art gallery or the 2,000 year old Roman wall only feet from the boundary. The design is a brick block development with little architectural merit.
- Government policy is to increase housing; this proposed development delivers no homes in the town centre and misses a huge opportunity to provide much needed homes in our town centre.

10.5 Cllr Law's comments can be summarised as follows:

- Overshadowing - Firstsite was built to be looked at; there is concern that the student blocks are so close they will cast shadows on Firstsite killing it's golden aesthetic charm
- Economic impact - Given the changing nature of Old Town centres, derived mainly from retail and consumer changing preferences, it has never been more important to ensure cultural activities and public spaces which can provide 'pop-up' and event-led experiences. This scheme is not a destination-experience to bring in tourists and visitors and the public realm opportunity isn't being maximised on the northern elevation of the student blocks.
- Layout and Density - the northern block is simply too close to Firstsite, a building which was designed by world leading architect, to be looked at. Overall the footprint is being exacerbated by the gated aspect of the student blocks. During a meeting with the developer and in subsequent communications I specifically challenged the 'internal' courtyard aspect of these blocks. This comment has not been acted on within this planning application.
- General Observations - there are a number of Roman floor surfaces across the site, whilst preserving these in situ has become common practice Colchester is seeking to raise its profile as Britain's First Roman City so we really ought to be exposing some of these surfaces with transparent materials and lighting. The piling across the site will no doubt impact/ destroy Roman archaeology and I am very uncomfortable with being complicit in tolerating this given Colchester's unique position as Britain's First Roman City.
- I would be open minded to accept a revised scheme based on a reduced footprint and I would like more information about the overall masterplan for the wider site around Firstsite. There are a number of structures across the wider site which need consideration, such as the Open Road Building, the Minories, the OMC owned Hotel and the school field.

10.6 Cllr Crowe's comments can be summarised as follows:

- Layout and Density - the buildings have been designed to occupy as much of the site as possible leaving space between them only for light to reach the blocks, creating open areas that only the occupiers of these student rooms will be able to enjoy. The gated nature of the design also serves only to tie the five blocks into one superblock which would completely dominate the site. This scheme is a massive over-development of the site resulting in part of it being shoehorned between the new Curzon cinema and Firstsite, and with little to no public realm benefits to residents.
- Overshadowing - Firstsite is a building that was designed to be looked at. If this scheme goes ahead almost all trace of it will disappear from public view from the west of the site behind these large, unimaginatively

designed blocks that will completely dwarf it and block light from reaching it.

- Economic Impact - Whilst nearby takeaways and mini supermarkets may benefit this is not a scheme that will revitalise this part of the town centre as claimed, or make any significant impact to the town's economy. Students spend their days, and much of their free time, on campus, not using the town.
- Overlooking/Loss of Privacy - The close proximity to the recently opened Curzon cinema will mean that many student rooms will be overlooked and therefore the only guarantee of privacy would be to blinds or curtains closed at all times. Part of the development is also close to and overlooking the playing fields of nearby St Thomas More's Primary school and represents a serious safeguarding issue. The development is sufficiently close that individual children could be identified by anyone looking from a window and from any photographs taken of them.
- Parking - Parking provision is completely inadequate. Priory Street car park, where hotel guests are to be directed to, is often full. In addition, despite the rules student tenants would have to agree to that they would not have cars it is inevitable that some will own them, and others will acquire them once they have moved here. Where will they park them? No doubt nearby Riverside Estate, which already suffers with town centre workers parking their cars all day, will bear the brunt.
- Highway Safety - The drop off lay by serving the hotel is completely inadequate if multiple guests are arriving and leaving at the same time. There is therefore a strong likelihood of Queen Street regularly becoming obstructed, and at peak times this could cause huge issues for traffic in and around the town centre.
- General Observations - there is considerable Roman archaeology underneath this location, yet a scheme is proposed that will drive 330 x 14 inch piles into it and will damage and destroy all that they come into contact with, including Roman floors that have been buried for 2000 years. There could be mosaics there too. Is this scheme in the promised Cultural Quarter really the best we can do in Britain's oldest recorded town and the country's Roman capital? Not only is this development completely wrong for this site it also represents an opportunity we will lose to create something of true benefit to residents that is befitting Colchester's unique history and heritage.

10.7 Cllr Lewis Barber has made the following comments:

- Not in keeping with the anticipated strategy for dealing with the use of land
- The development will impact on the heritage
- It raises school safeguarding issues
- Other issues have been comprehensively raised elsewhere including the opportunity cost of the site

10.8 The comments made by Cllr Scordis are summarised below:

- Cycling provision and no parking should be re-enforced as we look to cut down on car travel.
- Colchester train station does not run on Sunday's. We would expect guests to use this station and this needs to be discussed with Network Rail.
- The view from Curzon to Firstsite should be protected and would be interested to see if there is any scope on changing the design round to allow this.
- The boardwalk around the wall is an excellent idea and will be a major asset to the town.
- On the old bus depot on Queen Street that is to become an undercover walkway, would it be possible to have pictures and maybe information boards of the old bus station and how it used to look? I believe this would fit in well with the heritage of the town. The pathway itself is a great idea.

10.9 Sue Lissimore has objected to the development in a personal capacity.

11.0 Parking Provision

11.1 See main body of report

12.0 Open Space Provisions

12.1 See main body of report

13.0 Air Quality

13.1 The site is located within the town centre Air Quality Management Area and an Air Quality Assessment has been submitted in support of this application. The potential implications of this development on air quality are discussed in the main body of the report.

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 Contribution
- Contributions for an electric Charging Point
- Archaeology
- Travel Planning
- Cycleways Improvements
- RAMS Mitigation Contribution

15.0 Report

The Proposed Development

- 15.1 Planning permission is sought for a development comprising 336 student rooms (including 17 accessible rooms), an 87 bedroom hotel and some 1,200sqm of commercial floor space, together with ancillary works and public realm improvements.

Policy Background and Principle of the Development

- 15.2 The Council's Core Strategy (CS) provides the spatial strategy for the Borough and this directs development towards the most accessible and sustainable locations, and plans for the provision of transport, employment and community facilities to support identified growth areas.
- 15.3 CS Policy SD1 identifies the application site and the surrounding area as forming part of the Town Centre and North Station Regeneration Area. CS Policy UR1 sets out the Council's commitment to regenerating the identified regeneration areas.
- 15.4 The Proposals Map includes boundaries for each of the identified Regeneration Areas which are supported by CS Policy UR1. Boundaries for the Town Centre and North Station Regeneration Area are shown on the Proposals Map. The boundary for the Town Centre enlarges that shown previously in the Local Plan by including the full extent of the St Botolphs Regeneration Area.
- 15.5 Policy SA TC1 of the DPD sets out appropriate Uses within the Town Centre and North Station Regeneration Area. These provide for a mixture of uses that include residential, retail, offices and a hotel. The policy promotes residential accommodation on the upper floors in appropriate Town Centre Mixed Use developments and notes that this will contribute towards the Council's housing targets. The policy also states that local retail facilities will be concentrated in St Botolphs' Area (Queen Street) and that the preferred site for new hotels is the St. Botolphs/Cultural Quarter. In the supporting text to Policy SA TC1 it is noted that a Master Plan for the south-east area of the Town Centre was adopted by the Council in 2005 as Supplementary Planning Guidance (St Botolphs' Quarter Master Plan). This provides the foundation for the phased enhancement and mixed use redevelopment of the area. Key projects identified include:
- Firstsite Building – community arts centre
 - Berryfields Park – new open area behind Firstsite and the Town Wall
 - Cultural Quarter – includes creative business hub, hotel, retail, residential and restaurants
 - Public space enhancement at St Botolphs' Priory ruins

- 15.6 The St Botolphs Master Plan provides guidance regarding the possible form (layout) and promotes the creation of a network of new urban connections across the area. To achieve this, the Master Plan shows the demolition of St James House and Roman House.
- 15.7 The Master Plan also set parameters for the height of the new development stating that the development should generally be between 3-4 storey, with three storey buildings overlooking the Town Wall and higher elements in the middle of the scheme. With regard to the Queen Street frontage the Master Plan states that the historic medieval alignment of Queen Street should be reinstated with ground level activities to enhance its function as a commercial street. The Master Plan goes on to state that development on Queen Street should be sensitive in scale and form to the existing historic buildings in this street.
- 15.8 With regard to the emerging plan, Policy TC1 states that Colchester Town Centre is at the top of the retail hierarchy and accordingly will be the priority focus for new Town Centre uses and larger scale development. The supporting text to this policy adds that the St. Botolphs Area to the east will continue to be a focus for new development in the Town Centre, with the Firstsite gallery serving as a catalyst for further culture and leisure-focused development. Emerging Site Allocation TC3 identifies the application as being suitable for a hotel, student accommodation and retail space at this site. Emerging Policy DM10 also supports the delivery of student accommodation, noting that such accommodation helps to increase housing diversity and that such accommodation should be delivered where there is good public transport access to the relevant University. This policy goes on to state that new accommodation will not be supported where it would result in an excessive concentration of student accommodation in any one locality.
- 15.9 The application site constitutes previously developed land in the centre of Colchester (comprising the former bus station, ticket office, and the now demolished St James House, redundant garages and part of the former bus depot). The site has been vacant / underutilised for many years. The NPPF encourages the redevelopment of Brownfield land, especially in sustainable locations, such as town centres.
- 15.10 The current application proposes student accommodation, some 1,200sqm of commercial space (Use Classes A1, A3, A4, B1(c) and D2) and artist studios of various sizes. The application also seeks to provide a 87 bedroom hotel. These proposals reflect the aspirational uses described in the Policy TC1 and the Master Plan, namely they will allow for a blend of small scale specialist shops, restaurants, cafes and offices. The proposal to develop a hotel at this site is also consistent with the adopted local plan and the guidance set out in the Master Plan.

- 15.11 In addition to the above uses, the current application also seeks permission for 336 units of student accommodation. Many of the representations that have been received relate to the provision of student accommodation. Such objections include: the site is not suitable for student accommodation, there is no demand for student accommodation and student accommodation is not compatible with cultural / leisure related activities.
- 15.12 Both the adopted local plan and the Master Plan states that residential development is a suitable use for this central location. It is however acknowledged that these documents do not specifically refer to purpose built student accommodation. Whilst it is accepted that purpose student accommodation is not a typical residential product, the adopted local plan and guidance does not preclude the possibility of such accommodation being provide at this site. It is also important to note that the NFFP requires the Council to support the Government's objective of significantly boosting the supply of homes, which includes meeting the needs of different groups in the community such as students. Moreover, the supporting text to emerging Policy TC1 promotes student accommodation within the environs of Firstsite and emerging site allocation policy TC3 identifies the application site as being suitable for a hotel, student accommodation and retail space. This emerging policy clearly indicates a change in direction away from the provision of conventional residential dwellings to housing of a more specialist nature.
- 15.13 When assessing the suitability of a site for purpose built student accommodation, the current adopted plan does not contain any specific policies in respect of this matter. Policy DM10 of the emerging plan is however more helpful. This policy supports the delivery of purpose built student accommodation where there is good public transport access to the relevant University and where it would not result in an excessive concentration of student accommodation in any one locality. To date, the majority of the purpose built student accommodation has been provided on the Essex University campus or within its general vicinity (the Hythe or Greenstead). More recently, planning permission has been granted for purpose built student accommodation on Magdalen Street. The current application represents the first purpose built student accommodation to be proposed / built in the town centre. On the basis that the proposed student accommodation is located close to public transport facilities and it will not result to an excessive concentration of students, the application is considered to be consistent with emerging policy DM10.
- 15.14 From a housing delivery perspective, purpose built student accommodation is considered to constitute housing and, as such, will contribute towards the residential development targets of the Council in line with Policy H1. In relation to housing supply, the applicant has commented that it follows that increasing the availability of purpose built student housing would either facilitate the return of private space to the general housing market, or help to meet an unsatisfied student demand, and thereby reduce the overall pressure. The applicant also opines that it is difficult to see that there would be no beneficial effect on the availability of housing in the town, and it is

reasonable that some allowance should be made for this factor, even if it is not possible to exactly quantify it.

- 15.15 Objections have been received to this application on the ground that there is no demand for student accommodation and/or student number are likely to decline in the future or at least not continue at the same rate of growth. As a part of the evidence base for the emerging local plan, it has been necessary to consider the need for specialist residential accommodation and plan for it appropriately. The current Strategic Plan (2015/19) for Essex University promotes the growth in student numbers from 11,567 student in 2015/17 to 15,000 by 2019. It is understood that the University is currently working on a replacement strategic plan which will set out future expansion plans beyond 2019. It is further understood that, as a general rule, Essex University try to cater for first year student on site but that Year 2 and 3 and post graduate students are reliant on the private sector to address their accommodation needs. In addition to Essex University, the Institute also has residential students who are reliant on private sector for accommodation. The applicant is confident that there is still demand for purpose built student accommodation and this is supported by the submitted Study of Need (2018). Ultimately, if there was not demand for student accommodation in Colchester, the applicant would not be promoting it and investors would not be willing to back the scheme.
- 15.16 A significant number of objections to this scheme have been made on the basis that the development is not cultural and that alternative land uses should be developed at this site – for example the site should be form open space, be used to promote the town's history, tourism and/or leisure activities or given over to the community. The current application proposes various commercial units for which a flexible permission is sought. This will enable a wide range of potential uses to operate from this site. The proposed uses include shops (A1), food and drink (A3), drinking establishments (A4), offices (B1c), entertainment and leisure (D2) and artists' studios. These uses would capture those suggested by the Master Plan, namely a blend of small, specialist (cultural-related) shops, restaurants, cafes and office units. Members may also wish to note that, should an alternative proposal come forward for one of these units that does not fall aforementioned uses, this does not prevent the submission of a planning application for a change of use. Any such application would be judged on its own merits and would not be resisted where it is found to be compatible with the neighbouring uses and adds to the vibrancy of the area. Regarding the comments that there are preferred alternative uses for this site (for example a public open space or a concert hall), these do not fall under the consideration of this application. Members are respectfully reminded that they are required to determine the application before them, on its own planning merits, and not whether there is an alternative planning scheme that would be preferred should it materialise.

- 15.17 Given the above, the proposed uses are not considered to conflict with the aforementioned local plan policies or planning guidance (notably the St Botolphs Master Plan) In view of this, it is considered that there is not an objection to the principle of this development in terms of the proposed uses.

Design and Layout

- 15.18 Adopted CS Policy UR2 and DPD Policy DP1 seek to promote and secure high quality design. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. The NPPF also promotes good design advising that permission should be refused for development of poor design.
- 15.19 There have been significant representations to this application on the grounds that the scale and mass of the proposed development are inappropriate, it constitutes over development and the design of the buildings are not sympathetic to the area. Representations have also made that the proposed development is located too close to Firstsite and that the development fails to create an enlarged Firstsite Square.
- 15.20 The proposed hotel is located on the Queen Street 'gap site'. The upper floors are planned in an 'H' shaped arrangement and sit above a ground floor that fills the entire development block. The proposed elevation is modern in its composition and has been designed to respond to the surviving Georgian architecture in the street. The Queen Street elevation has been developed with deep incisions to create plot derived bays with shop fronts and the hotel entrance addressing the street. The elevation has a vertical subdivision which are differentiated on each storey and has a strong cornice line between the second floor and the attic storey. The attic storey is canted to give it the form of a Mansard roof which also helps to reduce its visual mass. The central section of the south elevation (fronting the access road) is two storeys in height with the upper floors set back by virtue of the H plan arrangement.
- 15.21 The student accommodation and associated commercial units are located within the main body of the application site and broadly create an 'A' shaped arrangement in plan, with two 'crossbars' creating three courts. The Design and Access (DAS) explains that by dividing the blocks into three buildings the massing and scale are controlled and permits views both into and through the site. The main student entrance is placed on the axis of the access road. The entrance has been designed as like a modern-day porters' lodge and is intended to create a focal point when viewed from Queen Street.
- 15.22 The DAS explains that the design takes its cues from older buildings in the town, to guide the proportions and choice of materials. It is explained that each side of the student accommodation has been designed to respond to its closest neighbours thereby varying the architectural language and giving each part of the built form its own distinctiveness. The east elevation will be visible in its entirety from Berryfield and sits directly next to Firstsite. The

first and second storeys of the proposed elevation are coupled, and each part is 'bookended', giving it a scale that is proportionate to its larger neighbour. The elevation is punctuated by the slim end of the central building, stepping down to the north and south. It is stated that the detailed composition has been designed to pick up on the 'bay' widths and soldierly fenestration typical of many of the Georgian town houses at the upper end of East Hill. The west elevation fronts onto a 'new' north / south street. At the south end, the elevation composition is similar to the east side facing Berryfield. The northern end of this elevation is very different in composition. It is explained that facing Roman House, the building has a strong vertical emphasis to hold its own next to this robust neighbour. With regard to the north elevation (between Firstsite and Roman House), the DAS states that this building is designed as a modern portico, with a colonnade to frame the entrance to the new commercial unit and a gridded elevation above. The outer bays are formed as a pair of small turrets, slightly taller and projecting forward of the central bay in plan. The purpose of this arrangement is to animate the skyline in long-range views. The DAS opines that this is a language which belongs with the new buildings, but is able to talk to its two big neighbours, Firstsite and Roman House. The comments made by the Urban Design Officer in respect of the north elevation of 'Block A' are noted. In his comments the Urban Design Officer accepts that the scale and mass are appropriate; but expresses concern regarding the 'expressive detailing' of the building. Whilst the Urban Design Officer has failed to articulate his comments further, it is understood that his comments relate to the style of the building. It is accepted that different a design solution could be adopted for Block A, this does not however invalidate the adopted design approach. It should be noted that neither Development Manager (who has been closely involved with this application) nor the case work officer for Historic England (both of whom have extensive experience of dealing with major projects in the historic environment) have raised an objection to the design of this building.

- 15.23 In terms of layout, the adopted Master Plan shows the demolition of Roman House and St James House and the creation of three development blocks, with a fourth new frontage wrapping around the former bus depot. With the granting of planning permission for the conversion of Roman House to the Curzon Cinema and two restaurants, it is no longer possible to precisely achieve the layout indicated in the Master Plan. Notwithstanding this, the proposed layout does follow the same broad principles, namely the creation of development fronting Queen Street and development blocks set between the frontage site and Berry Field. The concerns expressed by some that the student accommodation is located too close to Firstsite and does not allow the building (Firstsite) to breathe are appreciated. It is however important to note that adopted Master Plan shows the built form located parallel to the north end of Firstsite creating an enclosure to what is being called Firstsite Square; the Firstsite building was thus never intended to be set in isolation and/or viewed as a pavilion building. The juxtaposition between the proposed development and Firstsite is considered to conform to the general principles shown in the Master Plan. It should also be noted that the Master Plan does not show 'Firstsite Square' extending south into the application site as desired by some of the objectors. The comments made by the

Council's Urban Design Officer regarding the future wrapping of the built form to the rear of the former Police cells (the Space building) to create frontage development is noted. The current application does not prevent this possibility. It is not however considered appropriate to impose a condition (or s106 obligation) to require this to happen as suggested as this would not meet the statutory tests. The appropriate mechanism to secure this would have been through the respective land transfer agreements with Space (Creative Business Centre) and Alumno.

- 15.24 The Master Plan seeks to create a network of new routes to integrate this site into the town centre. These include a primary north / south route and an east / west route from Queen Street to Berry Field. The Master Plan also shows an east / west access route to the north of the town wall and another north / south route to the west of Berry Fields. The application proposals create a new north / south street linking Firstsite Square to a new area of open space (square) adjacent to the town wall. This space in turn is linked to Priory Street by a new access ramp. An east / west route is proposed through the centre of the site, with pedestrian only access through the student accommodation to Berry Field. It is recommended that general public access along this route is secured via the legal agreement. The application also proposes a pedestrian walkway along the top (adjacent) to the town wall. The public are to have access along this walkway during day light hours and when Berry Field is open to the public. Again it is recommended that this is secured via a legal agreement. The proposed development also allows for the future provision of an access through the former bus depot and a north / south route on the west side of Berry Field, should these sites become available. The proposed network of access routes are considered to conform closely to the requirements of the Master Plan.
- 15.25 The student accommodation is predominantly four storey in height rising to five in the centre of the site. At the southern end, the buildings drop down to three storeys and then again to two storeys adjacent to the town wall. The building heights also conform to the guidance set out in the Master Plan, which states that they generally be between 3-4 storey, with three storey development overlooking the Town Wall and higher elements in the middle of the scheme. Both Historic England and Design Council CABE have acknowledged that the scale of proposed buildings are appropriate to their immediate context.
- 15.26 The adopted Master Plan requires the building(s) fronting Queen Street to reflect the scale and mass of the historic buildings in this street. It is acknowledged that the proposed hotel building is larger than the three storey historic buildings in Queen Street. That said, the proposed hotel should be considered in its immediate context rather than comparing it against the scale of the buildings in a different part of the street. To the north of the proposed hotel is the Curzon Cinema and the height of the proposed hotel relates well to this attached building. Opposite the proposed hotel (to the west) is a zig-zag two storey flat roofed shop followed by the entrance and frontage buildings to Priory Walk, those pseudo-vernacular design is over-inflated. It is also pertinent that the proposed hotel building occupies a

corner position, where buildings are frequently taller than those typically found in the street, enabling them to provide a focal point and anchor to the street. In the context of the established townscape, the scale of the proposed hotel building is considered acceptable. Regarding the design detailing of the Queen Street frontage, Historic England has advised that the amended scheme has satisfactorily addressed the concerns that they expressed in respect of the original planning submission. Notwithstanding this, it is considered important that the materials and detailing, (shop fronts, entrances and windows etc) are of a high quality and exceptionally well detailed. Conditions are therefore proposed to cover these elements.

- 15.27 In terms of design, local planning policies seek to promote high quality design. This is reinforced by the NPPF which states that a design must fit in with the overall form and layout of their surroundings and that planning permission should be refused for development of poor design.
- 15.28 Many of the objector feel that the design of the proposed development is inappropriate, particularly given the historic context of this site. The proposed buildings employ basic architectural principles, based upon both modernism and classicism. The approach is based on using the visual elements of base, middle and top which control the large scale elements. The proposed façades are ordered and disciplined with the articulation providing verticality. A limited high quality material palette is proposed to complement the form. Within the overall body of the buildings, the primary massing elements have modulation which provide them with visual interest and relief. The secondary elements also have detailing to form interest with reveals and shadow lines. It is considered that the buildings have a controlled, calm, rhythmical design.
- 15.29 Good design should start with an understanding and analysis of the development context. It is considered important that new development responds to local valued historic character. This does not necessarily mean copying or being subordinate to every component of the historic environment. It means that the DAS or contextual analysis submitted in support the application should explain and justify the relationship between existing historic buildings, street patterns or spaces and the development. The DAS that has been submitted in support of this application provides such an approach. It is considered important that designs should be developed for the present day needs, in a holistic manner that responds to all relevant considerations and local circumstances. This does not predispose that designs have to be of any particular style, use particular materials or have a specific 'look'. In this case, the elevations are based upon the stripped classical forms that are found in many of the eighteenth and nineteenth century 'Georgian' buildings that are located around the application site, but reinterpreted for the twenty-first century. There is not considered to be any objection to this approach; indeed Officers are of the opinion that to try to impose a traditional vernacular style onto these buildings would serve to significantly devalue the surviving genuine historic townscape. Whilst there is not an objection to the proposed architectural approach, it is nevertheless considered important to ensure the use of high

quality materials and architectural detailing, conditions are therefore recommended in respect of these details.

- 15.30 The current application will introduce new uses into a vacant site and in doing so will create a new built form and public realm that will help to revitalise this part of the town. For the reasons given in this report, the proposed development is considered to conform to relevant policies of the adopted local plan and the Master Plan. In such circumstance, the NPPF states that where the development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Heritage and Design Considerations

- 15.31 The Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings and their setting and that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Ancient Monuments and Archaeological Areas Act 1979 and subsequent amendments make proviso for the Secretary of State to protect SAMs. CS Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic environment.
- 15.32 The NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets (paragraph 192). It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be (paragraph 193). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).
- 15.33 The site lies in the historic heart of Colchester and is situated within Colchester Conservation Area No.1. This conservation area was first designated in 1968 and includes the whole of the Roman Town together with parts of the historic extra-mural settlement immediately outside the walls, extending east along East Hill, in addition to some areas to the north and south of the Town Wall. The Town Centre Conservation Area Character Appraisal (which is not adopted) describes the bus station site as a bleak expanse of concrete and tarmac and notes that the buildings to the rear of the bus depot are unattractive.

- 15.34 One scheduled monument forms the southern boundary to the site. This is the Town Wall which is also Grade I listed. Three grade II listed buildings are located adjacent to the site on Queen Street (nos. 33 & 35, 37 and 39 & 41). Immediately to the north of the site is the Gothic folly which is listed grade II*. There are also number of listed and locally listed building located within the wider environs of the application site.
- 15.35 The application site in its current condition has a negative effect on the character and appearance of the Conservation Area as well as the settings of individual designated heritage assets that surround the site. The redevelopment of this site therefore provides the opportunity to enhance this part of the town centre conservation area and improve the wider setting of listed buildings.
- 15.36 As previously noted, the application site is effectively 'land locked' to the west, north and east by existing development and, as a consequence of this, views into the site from the public domain of Queen Street, High Street and East Hill are limited. In Queen Street there is only one break in the building-line which affords views into the site (the site of the demolished St James House and the over engineered egress from the former bus station). From High Street / East Hill, the proposed development will be viewed from the break in the street created by the junction of Lewis Gardens with East Hill.
- 15.37 With the redevelopment of the gap site in Queen Street, the traditional built form of the street will be reinstated. (The suitability of the design is discussed above). The entrance to the site will be relocated slightly to the south of the existing vehicular access and will be reduced in scale. To facilitate the re-siting of the site entrance, it is proposed to demolish the single storey ticket office. The ticket office is a modern building of no architectural merit and is not considered to make a positive contribution to the conservation area. There is thus no objection to its demolition. The demolition of the ticket office will reveal a brick wall which shields the side flank of 33 Queen Street, which is listed Grade II. The supporting information notes that the condition of the exposed flank wall is to be assessed after demolition, but currently the proposal is to face it with a new brick face that will incorporate a panel designed specifically for the display of artwork. It is considered that the Queen Street works will serve to improve the character and appearance of this part of the conservation area.
- 15.38 Regarding the views from Lewis Gardens, it is accepted that the proposed development (the northern part of the development) will be seen from this standpoint. The fact that a new development can be seen within a conservation area does not make it unacceptable or harmful. Concern was initially expressed by Officers that the roof of the north end of the student accommodation (Block A) lacked interest and 'flattened out' the skyline to an unacceptable level. Revisions have been made to this block so that the outer bays are formed as a pair of turrets to animate the skyline when seen from a distance. In terms of the impact on the conservation area (when viewed from Lewis garden) it is considered that the amended scheme would

not have a detrimental impact on the character or appearance of the conservation area, a view shared by Historic England.

- 15.39 The southern aspect of the application site is open to more extensive views. At present the backdrop to the eastern section of the town wall is devoid of development providing an open tree lined aspect / setting to the wall. At the western end of the wall is the utilitarian mass of the former bus depot shed which sits directly on the wall. The application proposes the removal of the bus depot. These works will not only greatly improve the setting of this part of the town wall but will also better reveal its significance. With the redevelopment of the site, new buildings will address the town wall and this aspect of the proposal, together with the eastern flank of the development will be visible from Priory Street. The southern block of development has been set back from the town wall and will comprise two end 'pavilion' with three storey development behind. The Master Plan accepts development fronting onto the town wall and that this new built form can be three storeys in height. The various comments have been made regarding the impact that the development would have on the setting of the wall and that conservation area are noted. It is important to note, however, that had such development been considered fundamental to the setting of the wall and/or that of the conservation area (i.e. an open back drop was essential) a different response to this part of the site would have been promoted by the Master plan. In view of this, it is not considered that an objection can be sustained to the principle of three storey development fronting onto the wall. It is also significant that Historic England do not consider that the proposed development would have a detrimental impact on the town wall or that of the character and appearance of the conservation area.
- 15.40 In terms of longer views of the application site, a partial view of the proposed development will be possible from the entrance to Castle Park. This view is largely derived from the modest height of nos. 3 and 7 and 9 Queen Street and the position of these buildings with that of the northern most end of proposed Block A. As a result of this, upper sections of the proposed development will be visible. The fact the upper section is modelled will reduce its overall visual impact on the character and appearance of the conservation area, when viewed from Castle Park.
- 15.41 Objections to the current application have been made on the grounds that it would have a detrimental impact on nearby listed buildings. The proposed development will not have direct impact on any listed buildings i.e. no physical works are proposed to them. There is however the potential for the development to have an indirect impact on nearby listed buildings - the development could be held to affect their setting. Setting is defined in the NPPF as the surrounding in which a heritage asset is experienced; elements may make a positive, negative or neutral contribution to the significance to the setting of a listed building.

15.42 Nos. 33 & 35, 37 and 39 & 41 Queen Street and the folly are located immediately adjacent to the application site. The application site in its current condition (an empty unattractive wilderness) is considered to detract from the setting of these buildings. The proposal to create new areas of public realm fronted by appropriately scaled buildings will improve the general setting of these buildings. With regard to the old Police Station (Creative Business Centre - 37 Queen Street) the development will open and reveal the rear elevation of this building and in doing so will better reveal the building's significance. Comment has also been made that the proposed development will be viewed from other listed buildings (most notably Greyfriars, East Hill House and the Minnories amongst others). The fact that a new development will be viewed from a listed building or its curtilage does not necessarily mean that it will detract from its setting. Moreover the greater the distance that the proposed development is from the listed building (or its curtilage), and where there are intervening structures, the less likely the impact on the surroundings in which the buildings will be experienced will be. The rear elevation of the properties fronting Queen Street and High Street are for the most part obscured by various accretions and rear courtyards. The rear elevations are thus generally of reduced significance. The proposal to the south of Firstsite Square is appropriately scaled and this combined with the improvements to the public realm will serve to enhance the setting of these buildings. With regard to East Hill House and Greyfriars it will only be possible to view the upper levels of the proposed development. The roofscape / skyline of Colchester is not considered to be so fundamental to the setting of these buildings that it contributes towards their special interest. Given this, it is considered that any resultant change to the skyline when viewed from these properties would not be to the detriment of their significance.

15.43 Objections have been received to this application on the grounds that it will have an adverse impact on the archaeology at the site. In terms of buried archaeology, a field evaluation has established that there are stratified remains across the site – i.e. the remains of a sequence of Roman structures as well as medieval remains on the Queen Street frontage. The evaluation has demonstrated that the remains (at least those remains encountered by evaluation) have been heavily robbed-out during the medieval period. Walls (including their foundations) have been lost; similarly, a mosaic has been removed/robbed completely. The evaluation has also shown that the archaeological remains are in general well over a metre below the current ground level in most areas of the site and will therefore not be affected by the majority of ground works. The proposed piling work will however run deeper and potentially affect buried archaeology. The proposed piling works will affect less than 2% of the area and fall within Historic England's guidelines for piled foundations which state that 'a loss of no more than 2% of the site should be the target' and a maximum of 5% including all other engineering works (including services and lift pits). Given this, the majority archaeological remains will be preserved in situ. With regard to piling, Officers have raised concern that this work could have an impact on the wall as a result of vibration and lateral

movement. In response to this, a statement has been submitted by a conservation accredited engineer in respect of the proposed piling works. This letter states:

At the closest point the piling is in the order of 6.0m from the Roman Wall and therefore sufficiently remote to be unaffected by the below ground disturbance. The proposed 450mm diameter “ground replacement piles” formed by the continuous flight auger method (CFA) has been selected for its minimal risk on the underlying and adjacent standing archaeology. The benefits of this technique include limited vibration, noise and low lateral displacement. The contractor will be working to BS 5228 “Code of practice for noise and vibration control on construction and open sites”. It will be important for the contractor to establish an exclusion zone of 3m adjacent to the Roman Wall standing archaeology. This will ensure the wall is protected from both site vehicle and plant impact damage together with the potential for lateral imposed loading from the piling rig.

A condition is recommended regarding the proposed piling methodology. In addition to this, conditions are also recommended regarding additional survey work, evaluation and investigation work, the methodology for the removal of the bus depot, repairs to the wall to be undertaken prior to occupation, together with details relating to the materials, up-stand kerb, paving to the wall and railings.

- 15.44 With regard to the works to the town wall, the requirement for Scheduled Ancient Monument Consent overrides the need for listed building consent. Historic England have already granted consent for the works that relate to the town wall.
- 15.45 The proposed development is not considered to cause significant harm to the identified heritage assets. Historic England has advised that the proposed development would not cause harm (less than substantial) to the town wall, St Botolphs Priory or Colchester Conservation Area No.1. In this instance, even if the proposed development was considered to cause less than substantial harm to the identified heritage assets, the public benefits of this scheme (removal of the bus depot from the town wall and better revealing its significance, redevelopment of a derelict site and thereby enhancing the conservation area combined with the economic and social benefits of the development) are considered to outweigh any harm that may be attributed to this development. Given this, the proposed development is not considered to conflict with adopted local plan policies or national planning policy guidance in relation to the historic environment.

Residential Amenity

- 15.46 DPD Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. DPD Policy DP12 requires high standards for design, construction and layout in new residential development. This policy also requires a management and maintenance plan to be prepared for multi-occupancy buildings and flexibility in the internal layout of dwellings to allow adaptability to different lifestyles, as well as an accessible bin and recycling storage area. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.47 Representations have been received from some residents in Priory Street that the proposed development would have a detrimental impact on their private residential amenity by virtue of overlooking. Given the degree of separation between the nearby residential properties and the proposed student accommodation, it is not considered that this development would result in any adverse impacts in terms of overlooking or loss of light.
- 15.48 The concerns raised regarding the potential for noise and disturbance during the construction phase of the development are fully appreciated. To this end, the applicant has submitted a Construction Method Statement which sets out working practices to be followed. Environmental Protection have not raised an objection to this Construction Method Statement.
- 15.49 Objection to this development have been received on the grounds that the students will have an adverse impact on local residents (and others) in terms of general noise and disturbance in particular during unsocial hours. Objections have also been received on the grounds that the development would lead to anti-social behaviour and littering. These concerns are fully appreciated. The current application involves purpose built student accommodation with a 24 hour security presence and is different to individual dwellings occupied as Houses in Multiple Occupation – i.e. the former is actively managed by the provider. Environmental Protection has advised that they receive very limited complaints about anti-social behaviour at purpose built student accommodation facilities and where they have been received they work actively with the management team to resolve the issues that have arisen. The concerns about potential anti-social behaviour (that occur on site) can be satisfactorily addressed by the implementation of the Student Accommodation Management Plan.
- 15.50 The concerns about anti-social behaviour due to the number of bars etc. in Queen Street site are noted. Whilst such problems are appreciated, this does not in itself constitute a reason to refuse this application. It is also pertinent that neither Environmental Protection nor Essex Police have raised an objection to this application. With regard to the anti-social behaviour that currently takes place around Firstsite, much of this can be

attributed to the fact there is limited natural surveillance of the area. The redevelopment of this site will introduce natural surveillance and self-policing and will be actively managed, which together will help to reduce the existing problems of anti-social behaviour.

- 15.51 Representations have been received from the parents of the school regarding the potential for the development to cause school safeguarding issues. The main issue raised is that the proposed student accommodation has windows that overlook the school playing fields (Berry Field). These concerns have been raised with Essex County Council. They have advised that there is no set guidance that deals specifically with this matter, although they note that safeguarding is normally in relation to how people can access the school site, contact with pupils or if you located a certain form of development (waste transfer station) next to a school that would not be appropriate (noise, dust etc). There are many schools in urban areas that are surrounded by residential properties where the issue of school safeguarding (overlooking) is not considered to create an issue. Likewise, schools continue to be developed as part of urban extensions surrounded by housing. Whilst the concerns raised are fully appreciated, they are considered to constitute a planning reason for refusal.
- 15.52 In accordance with DP12, the internal layout provides for different lifestyles in so far as accessible rooms are provided. Bin and recycling facilities are also provided on site. Comment has been made regarding the size of the proposed student rooms. The Council does not have adopted space standards and the Government's minimum housing space standards do not directly relate to student accommodation due to its bespoke requirements. The applicant has provided a schedule of room sizes and compared these to other student residence projects. At Colchester the en-suite rooms floor area is 13.9sqm and a studio floor area of between 18-20sqm. This compares with St Andrew's University where the en-suite rooms are 11.5sqm; Norwich All Saints Green en-suite 14.1sqm and studio 19sqm; LHA London Torquay House en-suite 14sqm and studio 17sqm; and University of Birmingham en-suite 13sqm. The size of the proposed rooms compare favourably with other student accommodation developments. Each room has natural light and ventilation. There are also communal kitchens, lounge areas and external courtyards that the students can use. In addition to the above 17 rooms (5%) will be 'adapted' rooms – i.e. they will have en-suite wheelchair accessible shower rooms and the kitchen/dining room which they share will also be designed for accessibility. A further 17 rooms 'adaptable' which would enable the total number of wheelchair accessible rooms to increase in the future to 34 (10%). All the wheelchair accessible study bedrooms will be located in the flats (containing en-suite rooms) and studios. None are currently in flats containing rooms sharing WCs and showers, which wheelchair users may consider less ideal.

- 15.53 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 and DP12 or the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

Trees, Landscape and Views

- 15.54 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. In terms provision of outdoor space, DPD Policy DP16 sets out standards for private amenity space and public open space as part of new housing developments. Central Government guidance on conserving the natural environment is set out in the NPPF. The Council's Landscape Character Assessment and Townscape Character Assessment also provide useful baseline evidence documents.
- 15.55 An Arboricultural Impact Assessment has been submitted in support of this application. The assessment notes that there are some trees (which includes birch and sycamore) and self-sown scrub growing on land immediately north of the wall. There is also a group of trees at the western end of the Priory Street car park. The trees to the north of the wall are categorised as C Category Trees and those to the south of the wall are identified as Category B. As a part of this development, it is proposed to fell all the trees within the application site. The assessment does however note that to mitigate the loss of these trees a landscape plan will be submitted which details extensive new planting. The Council's Tree Officer has reviewed the submitted information and has confirmed that there is no objection to the removal of the existing trees
- 15.56 The application includes a landscape strategy for the site. A new north / south street is proposed that links Firstsite Square in the north to a new urban square in the south. Beyond (to the south of this new square) is an access ramp and steps to Priory Street. A simple unified palette of materials is proposed, using Carlow Limestone for the squares and Kellen granite aggregate setts in the street. Such an approach accords with guidance in Colchester's Public Realm Strategy. The proposal does not include any private garden space, but does include an area of communal open space. The courtyards to the student accommodation blocks will be soft landscaped to provide a contrast with the surrounding public realm. Members are advised that there is no specific policy standards that relates to the provision private amenity space for student accommodation, unlike conventional housing which expect both private amenity space and publicly-accessible areas of open space to be provided. Given the nature of the proposal as student accommodation, where the residents will live communally, the absence of private amenity space is not considered to be detrimental to living standards of the future residents (students). The communal open space is not vast in terms of its area, but it provides space for sitting out and socialising so is useable. | A public art strategy is

proposed and includes a national competition and publicity for artists to design 3 sculptures inspired by John Ball; establish a large scale 'banner site' on the gable end corner with Queen Street, involving young people in a writing project to develop poetry through the public realm and commissioning a nationally acclaimed writer or artist to make a text work along the Town Wall. The Landscape Officer has confirmed that he has no objection to the Landscape Strategy / public art proposals.

- 15.57 A visual appraisal of the application site and the surrounding area has been undertaken to determine the visual influence of the development site. The Council's Landscape Officer has not raised an objection to the methodology used in this assessment or its conclusions.
- 15.58 At face value the proposal does not accord with the requirements of DPD Policy DP16 in terms of amenity space and public open space, but is considered to be acceptable on the grounds of the nature of the use as student accommodation where communal space will be more greatly valued. It is also the view of Officers that DPD Policy DP16 is not strictly applicable as the student accommodation is not intended for long term permanent occupancy but reflecting the academic year. In terms of the hard and soft landscaping proposals, the application would result in a significant visual enhancement of the site. The current planning application is therefore considered to accord with CS Policy ENV1 and policies DPD DP1 and DP21 that require development schemes to respect and enhance the landscape and consider the significance of the historic landscape and assimilate it into new development.

Ecology and Biodiversity

- 15.59 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. DPD Policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats. Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment.
- 15.60 The planning application is supported by a Preliminary Ecological Assessment, which is supplemented by specialist surveys (bats, Stag Beetles and Lichens). The Ecological Assessment concludes that the habitats and plant species that are present on the application site are of negligible value. Given this, the report states that there is potential to significantly enhance the site for wildlife through the provision of bat and bird boxes, native species planting and the provision of a vertical log pile for stag beetles. In addition to above, the introduction of green roofs and the landscaping of the student courtyards also offer material ecological benefits.

- 15.61 The application site is within a zone of influence of a European designated site and in order to comply with the Habitats and Species Regulations 2017 (as amended), mitigation of any recreational impact will be required in accordance with the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). This will equate to a financial contribution that can be secured via S106 agreement
- 15.62 Subject to conditions to secure ecological enhancement measures, it is considered that the proposed development accords with adopted policy ENV1 and the requirements of the NPPF which seek to minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity.

Transport and Accessibility

- 15.63 Core Strategy Policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy. Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Public Realm Policy PR2 requires that the design creates secure attractive, safe and people friendly streets which encourage more walking, cycling, recreation and local shopping. The Adopted Cycling SPD (January 2012) sets out a number of measures to enhance and promote cycling. This SPD seeks to promote a range of non-infrastructure measures such as training, lead rides, maintenance and events to promote cycling.
- 15.64 Queen Street is typical of many historic streets having a modest carriageway width with paths on either side. It is a single carriageway street, operating one way southbound with a speed limit of 30mph. The footway is set back at several locations to enable loading for the retail units and for cars to pass buses waiting at bus stops along the street. The majority of the street is double yellow lined on both sides of the carriageway prohibiting parking and loading.
- 15.65 The existing vehicular access to the application site is provided from Queen Street via an unnamed road. This road runs alongside the now demolished St James House and to the rear of the Curzon cinema. A number of the existing property owner have a private Right of Way over this land and use it for servicing as well as to access a small car park located to the north of Firstsite Square.
- 15.66 As part of the redevelopment of this site, vehicular access will be provided via a new access, some 13m south of the existing access road. It is proposed that the junction of the access road with Queen Street will be formed as a raised table. This approach establishes the roads within the site as a pedestrian-focused area and supports slow vehicle speeds. The

relocation of the access road also allows for a number of public realm improvements on Queen Street.

- 15.67 A significant number of objections have been received to this application on the ground that it will result in a large number of traffic movements and that these will add greatly to congestion in the town centre. The Transport Assessment explains that the proposed development is expected to generate a total of 1,275 new daily trips, of which 72 will be undertaken in the morning peak and 108 in the evening peak. The anticipated modal split for this development is considered to be highly sustainable, with 60% of trips made by walking or cycling and 30% using public transport. The Transport Assessment opines that this modal split is deliverable and representative of the site given its location within the town centre as well as its close proximity to public transport facilities. The Transport Assessment also explains that the majority of trips will be undertaken outside of the peak hours. This is justified on the basis that student movements will depend on their timetable which will be varied, with few courses following a full 9am to 5pm schedule. Similarly, guests to the hotel will likely travel outside the peak hours, with the majority of staff working shifts. The Highway Authority has not raised an issue with the content of the submitted Transport Assessment and does not consider that the proposal would be detrimental to highway safety or capacity.
- 15.68 The proposed hotel is located at the western edge of the site with its main frontage on Queen Street. A drop off facility for the hotel is proposed on Queen Street. Concerns have been expressed that the drop off facility is inadequate and that this will result in indiscriminate parking obstructing the free flow of traffic in Queen Street. These concerns have been raised with the Highway Authority. The Highway Authority has advised that the drop off lay-by forms part of a series of proposed public realm improvements in Queen Street, which require further refinement. The Highway Authority is however confident that a workable scheme can be delivered which would not be detrimental to highway safety or capacity. It is proposed that the lay by would be controlled through a Traffic Regulation Order.
- 15.69 Aside from the drop-off bay adjacent to the hotel, all deliveries and servicing are proposed from within the curtilage of the site. Vehicles will be required to utilise the vehicular access, from Queen Street, dwell in the appropriate location and un-load. There will be co-ordination between the land uses on site to ensure that there is no build-up of vehicles on the highway. To control deliveries, and minimise disruption to other site users, no servicing will take place at night. Suppliers will be made aware of this restriction. Refuse collection will be organised separately for each land use. Refuse vehicles will enter the site via Queen Street and dwell outside the appropriate store. Vehicles will be able to access / egress the site in forward gear, with adequate room to turn on site. The scheme as submitted includes bollards to prevent general access through the site. Concern has been raised that the bollards would result in traffic reversing into Queen Street (to the detriment of the free flow of traffic) and would not allow unfettered access to those that have a private right way. At the request of the Highway Authority, the applicant has agreed to delete the bollards shown within the

proposal site access not far from Queen Street junction and instead rely on those located behind what would be the hotel thereby enabling a vehicle which inadvertently entered the site access to turn round and re-enter the highway in forward gear.

- 15.70 In addition to the onsite public realm improvements, it is also proposed to carry out highway improvements in Queen Street. Concern has been expressed that these works would prejudice service operation, including the Park and Ride bus stop. As noted above, the detail of the proposed Queen Street works requires further refinement. It is however anticipated that the existing 1.5 bus stop spaces outside Curzon will be improved, along with the rationalisation of street furniture and loading bay provision. The comment made by the Urban Design Officer that these works should be co-ordinated with those proposed for the St Botolphs roundabout are noted. This is not however a planning matter and it is for the Highway Authority to determine whether within the adopted highway are acceptable and/or coordinate with potential future schemes.
- 15.71 The application as originally submitted expressed the desire to amend the private right of access by requiring the users implementing such rights to enter via the new access on Queen Street and egress via the passage way between 13 and 15 Queen Street. A number of objections have been received to this proposal. The applicant has been advised that the planning application process is not the correct mechanism for seeking the amendment of private access rights; this is a private matter and will need to be resolved in direct dialogue with the existing right holders. For this reason, this element of the original application has been removed from the proposed scheme.
- 15.72 Permeability through the site will also be improved, with a new north-south link created through the existing town wall bordering the site to the south. East to west permeability will also be enhanced improved by improvements to Queen Street and two new connections to Berry Fields. The concerns raised by the Urban Design Officer regarding public access to the site are appreciated. The applicant has confirmed all areas of the proposed public realm will be fully accessible by the public, whilst the pedestrian links through to Berry Fields will also be accessible to the public, albeit providing more controlled access. Members are advised that access to areas of the public realm are secured via the land transfer agreement and the pedestrian access is proposed to be secured via the planning agreement. Additionally, the works to Queen Street will make that space a more pedestrian friendly environment. In addition, a financial contribution will be provided to the further enhancement of cycle routes in the area.
- 15.73 A Travel Plan is proposed to encourage students to make use of more sustainable modes of transport when travelling to/from the site and an Operational Management Plan will be implemented which will include measures relating to pedestrian, cyclist and vehicle access, as well as measures to manage student arrivals and departures at the beginning and end of the academic year. The Transportation Team have stated that the hotel should have a specific Travel Plan and the Highway Authority has stated that Travel Plan should be in accordance with ECC guidelines

- 15.74 It is considered that the proposed development accords with relevant development plan policies and national planning policy guidance set out in the Framework.

Parking

- 15.75 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.76 The application site is located in a highly sustainable location with good access to public transport facilities. Being located in the town centre, the Colchester Institute is just over a 20 minute walk away. Buses from Osborne Street also go towards the Colchester Institute. Access to the University of Essex Campus is provided by getting a bus followed by a walk totalling a 25 minute journey. The site is thus well located to travel to both the Colchester Institute and the University of Essex
- 15.77 In view site's accessible location, it is proposed that the development will be largely car free, with no parking provided on site aside from one assigned blue badge space. It is stated that staff, residents and visitors to the scheme will be expected to travel by sustainable modes, or park in town centre car parks.
- 15.78 Objection to this application has been made on the ground that no parking is provided as a part application and that it is unrealistic to expect users of the proposed development not to access the site by car. Particular concern has been expressed that it will be impossible to prevent students owning cars, the lack of parking provision for student intake and that Priory Street car park already operates at capacity.
- 15.79 With commercial uses, the adopted Parking Standard provide for a maximum standards and they state that a lower provision of vehicle parking can be accepted in town centre locations where there is good access to alternative forms of transport and existing car parking facilities. The application site, by virtue of its central location and close proximity to public transport facilities is considered to be an acceptable site for a car free development. Members may wish to note that a similar approach was accepted in respect of the approved student accommodation scheme in Magdalen Street.
- 15.80 With regard to the management of car parking during student intake and move out, the Transport Assessment states that provision will be made in the Priory Street Car Park to the south of the site. It is proposed that temporary changes will be made to accommodate three student drop-off bays, whilst retaining the existing car park. Drivers are expected to drop-off

students / possessions in these bays during their allocated time slot before parking elsewhere. This arrangement has been agreed in principle with the Borough's Parking Partnership Officers. Concern has also been raised that Priory Street car park frequently operates at capacity. Officers have been advised that the occupancy for July 2018 showed Priory Street is at 100% on Saturday and Sunday and around 60% in the week (but excludes resident permit holders and season ticket holders). Whilst Priory Street is the nearest car park to the proposed student accommodation, there is a selection of other town centre car parks nearby that can be used should Priory Street Car Park be full.

- 15.81 Student car ownership has been highlighted as a potential problem. The applicant has advised that as a part of the tenancy agreement, the students will be prohibited from bringing cars on site. It is suggested that this arrangement is secured via the planning agreement (clauses in the tenancy agreement restricting bringing cars, motor bikes and mopeds to Colchester and prohibiting students from acquiring parking permits) and that such clauses are not amended without the consent of the Council).
- 15.82 Cycle parking is proposed for the different uses, which will be distributed both internally and externally. The Transport Assessment states that 68 cycle parking spaces will be provided for the student accommodation and that this equates to 1 per five students. The hotel will be provided with three long stay (for staff) and 9 visitor parking spaces and the retail units will be provided with 12 staff spaces and 12 for visitors. It is explained that the short stay cycle parking for the hotel and retail land uses will be shared, with five Sheffield style stands located at the southern extent of the site and six to the north east (opposite the cinema loading area), providing a total of 11 Sheffield stands (22 spaces). It is proposed that the northern Sheffield stands will be sheltered, thereby providing flexible short stay, or secure, longer stay visitor cycle parking for the hotel and wider site. All members of the public will benefit from the use of the Sheffield stands.
- 15.83 For the reasons given above, the proposed parking provision is considered to accord with the requirements of Policy DP19 and the adopted parking standards.

Drainage and Flood Risk

- 15.84 CS Policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. CS Policy ER1 relates to Energy, Resources, Waste, Water and Recycling in Colchester. DPD Policy DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.

- 15.85 The site is within Flood Zone 1 where Government policy directs new development. The submitted Flood Risk Assessment (FRA) provides an assessment of the risk of flooding to the proposed development. The report concludes that the site is situated in Flood Zone 1, which is defined as having a low annual probability of flooding and overall, there is a low risk of flooding from all sources.
- 15.86 FRA has also demonstrated that there is a low risk of flooding from other sources. Surface water runoff from the development is to be managed through the use of sustainable drainage systems (SuDS) to ensure there is a reduction in flows leaving the site. The Lead Local Flood Authority has been consulted on this application and has advised that they have no objection subject to the submission of a surface water drainage scheme.
- 15.87 Anglian Water has also been consulted on the application. Anglian Water has confirmed that there is capacity within the foul drainage and sewage system for this development. They have however advised that the surface water strategy is unacceptable in its current form. Anglian Water has advised that, whilst the submitted details show the surface water hierarchy follows the requirements of the Building Regulations Part H, infiltration logs have not been submitted in accordance with the Regulations. A condition is therefore proposed (as recommended by Anglian Water) to overcome their concerns.
- 15.88 The submitted evidence indicates that there are effective mitigation measures to avoid any increase in flood risk and, as such, the development will not conflict with the intentions of the development plan or the NPPF in respect of flood risk

Contamination

- 15.89 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 15.90 A desk top based contamination report accompanies this application. The Council's Contamination Land Officer agrees with the conclusions of the submitted reports and has recommended conditions to provide a framework for further assessment, and remediation works (as appropriate).

Air Quality

- 15.91 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that "The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character." The adopted Colchester Borough Council - Air Quality guidance note is a material consideration. In the emerging plan, Policy ENV5 states that proposals will be supported that will not result in an

unacceptable risk to public health or safety or the environment. This policy goes on to state that proposals for developments within designated Air Quality Management Areas (AQMAs) will only be granted where the Council is satisfied that after selection of appropriate mitigation the development will not have an unacceptable significant impact on air quality, health and well-being.

15.92 The application site is located within the town centre AMQA and the submission is supported by an Air Quality Impact Assessment. The assessment has considered the potential impacts of the construction and full occupation of the hotel, retail and student accommodation development. The assessment considered the following aspects:

- Construction phase dust impacts upon existing receptors;
- Predict baseline air pollutant concentrations to ensure the suitability of the site for its intended use: and
- Establishment of a minimum stack height for any small scale space and water heating systems.

15.93 The submitted report explains that development generated traffic impacts upon local air quality at existing receptors were screened from detailed assessment and explains that this is justified by the insignificant level of development generated vehicle trips due to the car-free nature of the proposed development. Environmental Protection have not raised an objection to the 'screening' out vehicle impacts post completion of the development.

15.94 The assessment predicted that pollution levels at the development site do not exceed air quality Objective levels and as a result no additional operational mitigation measures are required. The assessment also suggests construction phase mitigation and exhaust flue recommendations based upon the scale and likely risk of impacts. The assessment concluded that all potential impacts are likely to be insignificant and air quality should not be considered a material constraint to the proposed development. Environmental Protection has not raised any concerns with the conclusion of this report.

Sustainable Design and Construction

15.95 ER1 relates to Energy, Resources, Waste, Water and Recycling in Colchester. Under this policy, all new residential dwellings are encouraged to achieve a minimum level under the Code for Sustainable Homes and that non-residential development should achieve a minimum BREAAAM rating.

15.96 The submitted DAS and supporting information sets out a number of measures that are aimed at achieving a BREEAM score of 'very good' these include (summarised):

- Water efficiency
- Energy and reduction in CO2 emissions
- Sustainable construction: opportunities to utilise the local workforce will be explored; the procurement of construction materials will also seek to utilise local materials and supplies
- Waste and recycling: sustainable waste management processes will be put in place to maximise recycling and reduce litter
- Biodiversity: features of biodiversity interest will be retained, protected and enhanced where possible; and
- Site layout and building design: the proposal is for the regeneration of an underutilised site within an urban area, and will contribute to reducing local economic inactivity and improving the appearance of the area.

15.97 The proposal to achieve a very good BREEAM Rating is considered to accord with the requirements of Policy.

Development Obligations

15.98 Policy SD2 of Colchester's Core Strategy provides that new development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. This policy goes on to state that the Council will seek to employ standard charges where appropriate to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. The viability of developments will also be considered when determining the extent and priority of development contributions. Further policies on specific topic areas are provided within the Core Strategy and the Development Plan Policies (for example on affordable housing, health, community facilities and open space etc).

15.99 The NPPF provides guidance on when planning obligations should be used. The NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

- NHS Contribution (£52, 992)
- Contributions for an electric Charging Point (£5,000)
- Archaeology (£16,810)
- Travel Planning (£20,000 Travel Plan Measures and £5,500 for Membership of the Colchester Travel Plan)
- Cycleways Improvements (£18,000)
- RAMS Mitigation Contribution

15.101 In addition to the planning obligations requested by the Development Team, it is also recommended that there are obligations to secure the following:

- Restrict occupancy to students in tertiary, full-time education in Colchester;
- Student Accommodation Management Plan (to include on-site manager(s) and for there to be a 24/7 presence on site and measures for the control of anti-social behaviour etc)
- Details of an Operational Management Plan (for management of parking on site, loading bay, student arrivals and departures, details of Maintenance Company responsible for all communal areas/refuse area)
- Tenancy Agreement to include clause prohibiting students from bringing cars, motorbike & moped to Colchester (relevant clause only to be amended with consent of CBC) and exclusion for applying for parking permits
- Pedestrian access through the site to Berry Fields (when accessible to the public) and along the town wall during day light hours and when Berry Fields is open the public.
- Provision of a scheme of CCTV and link to CBC network

Other Matters

15.102 Turning to the strength of public opinion, insofar as it is a planning matter, it should be noted that there is no Neighbourhood Plan, which would have required a referendum (i.e. an assessment of local opinion) on its contents which might have included proposed site allocations. Otherwise, it is more useful to look not so much at the strength of opinion but at the reasons for any objections. Officers have given careful consideration to proposal in the light of the objections and the consultation responses from statutory and responsible bodies

- 15.103 Some objectors have expressed the concern that the scheme is not viable and that a viability assessment should be submitted to demonstrate that the applicant is capable of building out the scheme. With planning applications, a viability assessment is typically submitted where a development proposal cannot afford to fund (mitigate) its impact in terms of the expected s106 contributions. A viability assessment is not required to demonstrate that a developer can afford to fund the implementation of a development or to demonstrate that a scheme is viable to build. The NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.
- 15.104 Members are advised that various non-planning related objections have been received in respect of this application. These include: the proposals are contrary to covenants affecting the site; the scheme affects private rights of way; and the politics and sale of the land has not been handled in a transparent manner. Whilst such concerns are noted they are not pertinent to the determination of this application.

16.0 Conclusion

- 16.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the relevant policies contained in the Council's adopted and emerging development plan. The NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF identifies three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, it would lead to investment during the construction phase, provide employment opportunities and increase the vitality in this part of the town centre. The social role of sustainable development is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives. In respect of the third dimension (environmental), the proposals will result in the removal of the bus depot from the Town Wall and in doing so would better reveal its significance and would result in the redevelopment of a derelict and underutilised town centre site. There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents, create noise or pollution or have a severe impact upon the highway network or damage the ecology of the area. Overall it is considered the positive environmental effects and sustainability of the proposal would weigh in favour of this scheme.

- 16.2 In conclusion, it is considered that the benefits of the scheme outweigh any adverse impacts and, as such, Members are recommended to resolve to grant planning permission subject to the completion of a s106 agreement together with the conditions set out below.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

18.0 Conditions

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - *Development to Accord With Approved Plans*

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

- A-03-100 GA Level 00 Rev K
- A-03-101 GA Level 01 Rev F
- A-03-102 GA Level 02 Rev
- A-03-103 GA Level 03 Rev F
- A-03-104 GA Level 04 Rev F
- A-03-105 GA Level 05 Rev F
- A-H-03-200 Hotel GA Sections Rev B
- A-H-03-310 Hotel GA Elevations Rev C
- A-R-03-300 Residence GA Elevation West & East Rev D
- A-R-03-301 Residence GA Elevation South & North Rev D
- A-R-03-302 Residence GA Elevation Courtyard Rev D

- A-H-21-001 Hotel Typical Façade Bay Study Rev D
- A-H-21-002 Hotel Typical Façade Bay Study Rev A
- Public Realm Landscape Layout 404 PA 061 (2) G

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

Contamination

3. No works shall take place until the works required to remediate the site have been undertaken. The remediation scheme must be carried out in accordance with the details in the *Symbiotic Solutions, Remediation Method Statement, Land at Queen Street, St Botolphs, Ref 1006 R01: Issue 2, dated 4/9/18*. 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
4. In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. 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: The site lies on or in the vicinity of former uses of land where there is the possibility of contamination.
5. Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the above conditions.
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

Archaeology

6. The development hereby permitted shall be undertake in accordance with the Written Scheme of Investigation for Archaeological Mitigation (Dated 19/9/18). In addition to this, and in accordance with the details set out in the Written Scheme of Investigation, Supplementary Method Statements shall be submitted to and approved in writing by the Local Planning Authority prior to any works being undertaken in areas identified in the Written Scheme of Investigation (Dated 19/9/18). Following approval of the Supplementary Method Statement(s) an archaeological contractor, who shall have previously been agreed by the Local Planning Authority, shall undertake the Scheme of Investigation which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard buried archaeological and to ensure the proper and timely investigation.

7. No works shall take place within a 10m of the Town Wall (including removal of the bus depot) until an updated condition survey of the wall (the scope of which shall have been agreed by the Council) has been submitted to and approved in writing by the Local Planning Authority. Any remedial/repair works identified by the condition survey must be undertaken in accordance with a timeframe that has previously been agreed by the Local Planning Authority and implemented in full prior to the occupation of any part of this development.

Reason: To safeguard the Town Wall from impacts relating to the development scheme and to ensure the proper and timely investigation

8. Prior to the commencement of on-site works, a detailed scheme for the protection of the Town Wall during the period of the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and so maintained throughout the period of development.

Reason: To safeguard the fabric of the Town Wall from unforeseen accidental damage.

9. Unless otherwise agreed in writing, the piling works associated with the construction of the hotel shall reuse the existing piles associated with the now demolished St James House.

Reason: For the avoidance of doubt regarding the scope of this permission and to safeguard buried archaeology.

10. All new piling works shall be undertaken using Continuous Flight Auger method and shall be undertaken in accordance with BS5228. In addition, no piling work shall take place or plant and/or heavy machinery stored within 3m of the town wall.

Reason: To safeguard the Town Wall from impacts relating to the development scheme.

11. Prior to the demolition of the bus depot, a Demolition Method Statement shall be submitted to and approved in writing in respect of these works. The Demolition Method Statement shall include: drawings clearly indicating the extent of the structure to be removed, evidence that the works will not adversely affect the structural stability of the remaining element of the bus depot (together with any stabilisation works required), the measures taken to protect the Town Wall (to include the appointment of archaeological professional to supervise and report on the proposed work and/or necessary repairs). The demolition works shall be undertaken in accordance with the approved Demolition Method Statement.

Reason: To safeguard the Town Wall from impacts relating to the development scheme.

12. Prior to the commencement of any demolition works, a programme of building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works.

13. Notwithstanding the details submitted, a Method Statement relating to how the junction of the inner face of the Town Wall and the proposed paving is to be treated shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To safeguard the Town Wall from impacts relating to the development scheme

Landscape and Ecology

14. Notwithstanding the details submitted, full details of all landscape works shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall reflect the general principles shown on Public Realm Landscape Layout 404 PA 061 (2) G and shall include:

- Proposed finished levels or contours.
- Vehicle and pedestrian access and circulation areas.
- Hard surfacing materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing.
- Details of junctions with other areas of public realm including drainage.
- Details of the up-stand kerb (including materials), paving to the Town Wall and the railings.
- All boundary treatments / means of enclosure within and around the development, including alternative design to the gates / routes through to Berry Fields and the frontage enclosure to Berry Fields and fronting onto the Town Wall.
- Details in plan and section of retaining walls to ground floor amenity areas and ramps and steps;
- Works to the internal face of the town wall and window opening of the bastion
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports, tree pits and their relationship to archaeology etc.).

Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)

- Details of the demarcation and interpretation of the Town Wall.
- Proposals for restoration (as appropriate).
- Planting plans.

- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site and to ensure that the works do not adversely affect the town wall or its environs.

15. Notwithstanding the details submitted, additional drawings of the access ramp and steps and the adjacent walling (including design of the proposed lancet windows) shall be submitted to and approved in writing by the Local Planning Authority. The access ramp and associated works shall be constructed and made available for use by the general public prior to occupation of any part of the development hereby approved.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design and to ensure that the works are provided in a timely manner.

16. Prior to any above ground slab construction works, a Public Arts Feature Strategy (based on St Botolph's public realm concept design studies), including, but not limited to, selection of the artist, the timeframe for developing and the public art and proposals for working with the community shall be submitted and approved in writing by the Local Planning Authority. The proposed public art, which shall have previously been agreed in writing by the Local Planning Authority, shall be installed prior to occupation of the building(s) and maintained for the lifetime of the development or as otherwise approved by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area

17. Prior to the above ground slab level construction works the following shall be submitted and approved in writing by the Local Planning Authority:

- The planting details of the green and brown roofs
 - A programme for the provision of the green and brown roofs
- The green and brown roofs shall be provided and completed thereafter and retained in there approved form thereafter.

Reason: Insufficient detail has been submitted and to ensure that the proposal enhance the biodiversity of the area.

18. The roof areas of the buildings shall only be accessed for maintenance purposes and shall not be used as a balcony, roof garden or for similar reasons and no alterations at upper floor levels shall be carried out to create access to them.

Reason: To protect the amenities of adjacent occupiers.

19. Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.
Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.
20. A Scheme of Ecological Mitigation and enhancement (based on the submitted ecological reports and survey work and supplemented by a vegetation survey)) shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme of Ecological Mitigation shall be fully implemented prior to the occupation of any part of the development.
Reason: To ensure that the development enhances the biodiversity of the area.
21. Prior to the first occupation of the building, a scheme for the temporary enclosure of the south west boundary of the site (including the making good of the exposed bus depot building resulting from the demolition works required to facility the development work hereby permitted) shall be undertake in accordance with details that shall have previously been agreed in writing by the Local Planning Authority.
Reason: To ensure that the site is not blighted by an development an undeveloped site and to safeguard the setting of nearby heritage assets.

Architecture

22. Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until sample materials and additional drawings (at scales between 1:20 and 1:1) that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- i) External facing materials including all sample boards of all facing materials
 - ii) Details of brick bond, mortar mix (colour) and joint profile
 - iii) Details of decorative brickwork and stringcourse;
 - iv) Details of shopfronts, entrance doors and signage
 - v) Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, all window types and reveals, heads and cills;
 - vi) Full details of windows (including method of opening) and projecting bays
 - vii) Details of rainwater goods

viii) Roof details in plan and section showing the detail of and relationship between, plant, guardrails and parapets

ix) Details of all flue and extract vent terminals.

The development shall be completed in accordance with the approved details prior to first occupation of the development.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design and/or the details as submitted are not considered appropriate and to safeguard the special architectural or historic interest of the setting of a grade II listed building

23. The development (both for the student accommodation buildings and the hotel building) shall be constructed to achieve a BREEAM Very Good rating in accordance with an approved BREEAM pre-assessment. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the LPA, shall be provided, confirming that the agreed standards have been met, prior to the occupation of the development.

Reason: In the interest of highway safety and the efficient operation of the highway network and in order the development promotes public transport, walking and cycling and limits the reliance on the private car.

24. Notwithstanding the details submitted, a scheme of the making good of the of the flank elevation exposed as a result of the demolition of the former ticket office shall be submitted to and approved by the Local Planning Authority together with a timeframe for undertaking the works. The development shall be implemented in accordance with the approved details.

Reason: In order to ensure that a satisfactory scheme is delivered in what is a prominent site and to safeguard the character and appearance of the conservation areas and the setting of the nearby listed building.

25. No works shall take place until a detailed engineering drawings (to include typical details, cross sections) of each component of the surface water drainage scheme has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority.

Reason: To minimise the risk of flooding

26. Notwithstanding the details set out the Surface Water Management Strategy, evidence shall be submitted to and approved in writing by the Local Planning Authority that shows that the surface water hierarchy has been followed as stipulated by the Building Regulation Part H and shall include infiltration logs. The development shall be constructed in accordance with the agreed details prior to the occupation of the development hereby approved.
Reason: To minimise the risk of flooding and to satisfy the requirements of Anglian Water.

Highways and Transportation

27. Notwithstanding the details submitted, a Travel Plan specific to the hotel use shall be submitted and approved in writing by the Local Planning Authority. The hotel shall not be occupied until the Hotel Travel Plan has been approved and the use shall thereafter be operated in strict accordance with the approved Travel Plan.

Reason: In the interest of highway safety and the efficient operation of the highway network and in order the development promotes public transport, walking and cycling and limits the reliance on the private car.

28. Prior to the first occupation of the development hereby permitted, cycle parking for 104 bicycles (52 Sheffield stands) shall have been laid out within the site in accordance with the details shown on the approved plan. All long stay cycle parking shall be covered and provided within a lockable structure. The approved cycle parking shall be installed prior to the occupation of the building that it is intended to serve and shall thereafter be maintained for this use at all times.

Reason: To ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied, as shown on the approved plans.

29. Prior to the first occupation of the development hereby permitted, the disabled parking bay (5.5 metres deep x 3.4 metres wide) shown on the approved plans shall be marked out for this purpose and made available use for and retained solely for this purpose.

Reason: To ensure that the disabled parking intended to serve this development is provided in a timely manner.

30. Notwithstanding the details shown on drawing no. TP PB7319SK003 DO8, a revised scheme for the proposed public realm works in Queen Street shall be submitted to and approved in writing by the Local Planning Authority. The scheme as subsequently approved shall be fully implemented prior to the occupation of any part of the development.

Reason: In the interest of highway safety and to ensure that the scheme does not prejudice public transport, cycling and walking.

31. Prior to the occupation of the development, a priority junction off Queen Street to provide access to the proposal site shall be implemented in accordance with a scheme (which shall include removal of the bollards shown within the proposal site closest to the Queen access) the details of which shall have previously been approved in writing by the Local Planning Authority. No Bollards or other measure intended to restrict access to the site shall be implemented unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to ensure a satisfactory standard of development.

Construction and Demolition

32. The demolition and construction of the development shall be carried out in accordance with the Site Specific Construction Management Plan Rev A prepared by HG Construction and dated 03/8/18 submitted to the local planning authority. Hours of demolition and construction shall not occur outside the hours of 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturdays and not at all on Sundays or Bank Holidays except when prior consent has been sought and approved by the local planning authority.

Reason: In the interest of Highway safety and to safeguard the amenities of nearby residential properties.

33. Prior to the commencement of any works and notwithstanding the contents of the submitted Site Specific Construction Management Plan, details of the measures to be put in place to stop mud and detritus entering the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details subsequently approved.

Reason: In the interest of highway safety.

34. Lighting during the construction phase shall be directed so it does not shine directly into residential premises. Lighting that illuminates residential premises shall be switched off outside of construction hours. Low level security lighting is permitted but must not cause annoyance or nuisance to residential premises.

Reason: To safeguard the amenities of nearby residential properties.

35. All piling works carried out on the proposed site shall be carried out in accordance with the Central Piling Report prepared by HG Construction dated 14/8/18, using continuous flight auger method of piling. The piling shall be carried out between 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties.

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36. The site shall be developed and maintained thereafter in accordance with the acoustic report submitted to the local planning authority by Sound Advice Acoustics Limited, SA-5382-Revision 7. In addition noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of or boundaries near to noise-sensitive premises.

Reason: To safeguard the amenities of nearby residential properties.

37. Prior to the first use of the tank room as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

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

38. The development hereby approved shall be implemented in accordance with Air Quality Assessment Revision: dated 13 August 2018 02/Final Ref PB7319I&BRP1805181622, and its recommendations unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the air quality.

39. The external lighting of the development shall be installed in accordance with The Silcock Dawson & Partners, version V3 report dated July 2018 design specification and no external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

Food Premises (Control of Fumes and Odours)

40. Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been

agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

Grease Traps Required

41. Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

Restricted Hours of Delivery

42. No deliveries shall be received at the commercial units outside of the following times:

- Weekdays: 07.00 - 20.00
- Saturdays: 07.00 – 20.00
- Sundays and Public Holidays: 08.00 – 18.00

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 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.

Restriction of Hours of Operation

43. Prior to the first occupation of the commercial unit(s) (Use Classes A1, A3, A4, B1(c) and D2); artist studios) the hours of operation for the relevant unit(s) shall be submitted and approved writing by the Local Planning Authority. The hours of use for that unit(s) shall thereafter operate in accordance with the agreed hours.

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.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

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

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

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

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

4. Non Standard Informative

The site is located within an AQMA and the additional traffic from deliveries has the potential to inhibit traffic flow and have an effect on the air quality. As stated in the construction method statement care will be taken to avoid where possible deliveries during periods of heavy traffic and will be controlled so delivery vehicles are not waiting to enter the site, every effort must be made to avoid busy times of heavy traffic.

5. Highway Informatives

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)

- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 – Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ



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Item No: 7.2

Application: 183085
 Applicant: Colchester Borough Council
 Agent: Mr Jonathan Dallas, Dallas Pierce Quintero
Proposal: Erection of a metal three dimensional wayfinding sculpture. Replacement of the existing planting and trees with a new landscape design that complements the sculpture- Provision of two CCTV cameras within the roundabout central island (removal of the existing CCTV camera).
 Location: Albert Roundabout, Cowdray Avenue, Colchester
 Ward: Castle
 Officer: Annabel Cooper
 Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact on highway safety and visual amenity.
- 2.2 The application is subsequently recommended for conditional approval. It is not considered there would be any detriment to highway safety and the highway authority have made no objections. The proposal is considered acceptable from a visual amenity point of view in this context. Replacement landscaping is proposed to complement the scheme.

3.0 Site Description and Context

- 3.1 Albert Roundabout is a traffic management island between North Station Road, Cowdray Avenue and Colne Bank Avenue. The roundabout is a raised central island with a diameter of 39.5m.
- 3.2 This proposal forms part of a wider initiative known as 'Fixing the Link' and is designed to offer a clear pedestrian walking route between Colchester Town Centre and Colchester Station. Whilst it is felt that the route is clear to residents, tourists and visitors to Colchester find the route unclear in terms of wayfinding.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a metal three dimensional wayfinding sculpture which would appear as an elephant when viewed from a certain angle that would point towards town from the direction of the station. The structure would have a maximum height of 7.8 metres. The proposal builds on the legend of the Emperor Claudius entering Colchester in triumph on the back on an elephant in AD43.
- 4.2 Replacement of the existing planting and trees with a new landscape design that complements the sculpture.
- 4.3 The provision of two CCTV cameras within the roundabout central island and the removal of the existing CCTV camera.

5.0 Land Use Allocation

- 5.1 No allocation (roundabout).

6.0 Relevant Planning History

6.1 None directly relating to this application.

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. In the associated Proposals Maps (October 2010) this area is shown as a Mixed Use corridor surrounded by predominantly residential areas. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA4 - Roads and Traffic
- 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
- DP4 Community Facilities
- DP10 Tourism, Leisure and Culture
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals

Emerging Local Plan

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

The stage of preparation of the emerging plan;
The extent to which there are unresolved objections to relevant policies in the emerging plan; and
The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

7.4 No Neighbourhood Plans are relevant.

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

The Essex Design Guide
External Materials in New Developments
Sustainable Construction
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Town Centre Public Realm Strategy

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 Archaeologist states:

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.

8.3 Landscape officer:

Comments (summarised):

The landscape content/aspect of the strategic proposals lodged on 17/12/18 would appear satisfactory.

If however, as has been discussed with the applicant, full landscape details are submitted at this the application stage then they will need to be cross-checked against Guidance Notes B (LIS/B) (this is available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link). To achieve full compliance with LIS/B the following clauses of LIS/B (with additional site specific comments added in blue) will need to be addressed under revisions to Soft Landscape Plan 170824-L-11 & Lighting Layout drawing PL0113:

Proposals need to comprise copies of co-ordinated and numbered drawing(s) (plan(s) and if applicable sections) to a clearly readable scale, including clear and concise layout of planting and (where conditioned) external works, with a corresponding symbol key for each relevant drawing. – Revise the title of drawing 170824-L-11 to 'Landscape Plan', this in order that it captures both soft landscape and external works.

Where full landscape proposals need to be agreed then external works details will need to be included and the following standard approach complied with; proposals need to include:

Details of all surface materials (i.e. their type & colour) need to be included within any relevant proposal drawing and its 'key'; - Include the proposed colour for the proposed gravel (preferably light colour to complement the 'savanna' character of the landscape scheme) against the gravel symbol in the key on drawing 170824-L-11.

All lighting, where proposed, requires a note against the symbol key confirming (verbatim) that:

'All lighting proposals comply with Colchester Borough Council's External Artificial Lighting Guidance 2012'.

Include this note verbatim on drawing PL0113.

Any detailed landscape/planting proposals need to include basic specifications in order to secure an adequate level of implementation and best ensure establishment. The following 2 specifications include the minimum information base expected and should be included (verbatim) as a note on any proposal:

'All landscape works to be carried out broadly in accordance with the relevant current British Standards; National Planting Specifications Guidelines; Horticultural Trades Association standards; CPSE 'Plant Handling' Standards & COSHH Regulations.'...; and

'The landscape scheme/planting program is confirmed as being timetabled for implementation by or during the first planting season (mid-November to mid-March) after substantial completion of the development.'

Simply add both these verbatim clauses to any revised proposals (required as catch-all clause in addition to, or in lieu of, any proposed landscape specifications) on drawing 170824-L-11.

Where separate condition require that a landscape management plan be submitted and agreed then the following should be included (verbatim) as a note on any proposal:

'The landscape will be managed in perpetuity, it will be competently monitored and follow best landscape management practice principals, it will follow a maintenance schedule sufficient to keep it well maintained, safe, tidy and in a good state of repair.'

Simply add this verbatim clauses to any revised proposals (required as a catch-all clause in addition to, or in lieu of, any proposed management plan) on drawing 170824-L-11.

Conclusion:

In conclusion, there are no objections to this application on landscape grounds, however in order to avoid the imposition of conditions requiring detail landscape to be submitted the above points will need to be addressed.

The following condition(s) is/are recommended.

ZFE – Landscape management plan

Bespoke:

Z00 – Hard and soft landscape works.

8.4 Environmental Protection state :

Should planning permission be granted Environmental Protection wish to make the following comments:-

ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ3 SMALL TOWN CENTRES OR URBAN LOCATIONS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

8.5 Tree Officer:

"I am in agreement with the information provided.

The proposal requires the felling of the trees on the roundabout but given the relatively low quality of these trees it is deemed acceptable as per the guidance given in BS5837: 2012.

The loss of these trees could be mitigated through landscape planting.

Conclusion

In conclusion, I am satisfied with the arboricultural content of the proposal

Recommendation

Agreement to the landscape aspect of the application.

8.6 Highway Authority states:

“From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or works of site clearance, 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. the means or method of protecting the travelling public within the highway throughout the site clearance and construction phases
- vi. a traffic management plan to maintain the free flow of motorised traffic throughout the site clearance and construction phases

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, to protect the travelling public and maintain the free flow of traffic in the Classified Road, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 No development shall take place until the means of illumination of the proposed development has been approved in writing by the Local Planning Authority.

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 No development shall take place until the required licencing of the proposed private apparatus in the highway and the structure has been secured by the applicant which shall be approved in writing by the Local Planning Authority.

Reason: To protect and preserve the integrity and fabric of the highway in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative 1: The applicant should be advised that the Road Safety Audit and or Safety Audit should accompany any request for licencing of the proposed development.

Informative 2: 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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

9.0 Parish Council Response

9.1 Non Parish

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 There were a total of 12 objections received, 10 of these objected to the cost of the project and expressed personal opinions as to how the money would better be spent. There was also a comment made that expressed an opinion that there was a limited amount a public consultation before the application was submitted.

10.3 There were 2 objections that raised concerns that contained the following planning considerations: highway safety, tree protection orders and impact to highways during construction and light pollution.

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

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 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The main issues in this case are:

The Principle of Development

- 15.2 The principle of the development is to install a public art work that contributes to the objectives of the sustainable transport initiative known as ‘Fixing the Link’. The Albert Roundabout has been identified as a key entry point into the town. The aim of the fixing the link project is to improve the walking route between the Colchester’s North Station and the Town Centre. The sculpture is a wayfinding device which is designed to improve pedestrian legibility and orientation. The artwork is designed to create a high visual impact landmark. The replacement of existing planting is to compliment the design. The lighting of the sculpture is designed so that the sculptural will work during both the day and the night.
- 15.3 The proposal is inspired by the tales of conquering Emperor Claudius’s dramatic arrival into Colchester with a herd of elephants in AD43.
- 15.4 Core Strategy Policy SD1 states that the Council will support Colchester’s aim to be a prestigious regional centre, the Borough Council will promote high quality design and will focus on enhancing the character and quality of the Town Centre, the Regeneration Area and Key Gateways to Colchester. Albert Roundabout is located in a regeneration area and identified as a key gateway to the town it is therefore considered that the proposed will enhance the character of the area.
- 15.5 Policy UR1 - Regeneration Areas states that regeneration will enhance Colchester’s attractiveness as a visitor destination. The urban renaissance will be advanced through redevelopment that improves accessibility. The Albert Roundabout is within the North Station Regeneration Area of which one of the aims is to deliver an attractive gateway to business, tourists, commuters and residents, it is considered that the proposal would help to deliver an attractive gateway.
- 15.6 This application which is part of a wider project to clearly signpost the main walking route between Colchester Town Centre and Colchester North Station contributing towards the stated goals of improving the public realm and making Colchester more attractive for visitors.

Design, scale and form

- 15.7 The sculpture according, to design and access statement submitted by the applicant, was designed to deliver a significant impact on the surrounding area. The perspective sculpture is designed not only to create interest but to offer human interaction in visualising the form and the proposal has been inspired by the idea of rotating a profile 360 degrees. The elephant motif which the design is based on is also seen at the Railway Station. Also, the weathered steel finish is common to other elements of 'fixing the link'.
- 15.8 The scale of the sculpture is in line with the many of the adjacent buildings, it is made up of 26 elements range from a minimum height of 2m to maximum height of 7.8m, with a varying pole section which has been sized accordingly. It is designed to create a significant impact. In this respect the proposal is considered to be visually acceptable and would enhance the wider site and its surroundings, being a work of art that that adds to the quality of the surrounding townscape.
- 15.9 There have been no objections received relating to the design of the sculpture.
- 15.10 Policy UR2 states that the Borough Council will promote and secure high quality and inclusive design in all developments to make better places for both residents and visitors, creative design will be encouraged to inject fresh visual interest into the public realm. Also policy UR2 states that the street environment can be improved by public art. The proposal is considered to accord with the aims of these policies. The proposal would also accord with Policy DP1 as it is considered to enhance the character of the site and its context and would be visually beneficial to this part of the townscape.

Residential amenity

- 15.11 Development plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity.
- 15.12 The proposal includes for lighting to be installed as part of the sculpture. There are to be 52 circular in-ground LED uplights with narrow beams to avoid any light spill onto the highway. The Council's Environmental Protection Officer has recommended a condition and this condition will ensure that the scheme is acceptable and would not be detrimental to residential amenity or highway safety. The proposal would therefore accord with Policy DP1 in this respect.

Highways Issues

- 15.13 There are not considered to be any highway safety issues. The applicant has had a Stage 1/2 Road Safety Audit (RSA) completed. The report states 'it is not felt that the proposed scheme will have any bearing on collision patterns at this junction.' There are no safety problems identified in terms of alignment, junctions, signing, lighting, road markings and non-motorized road users.
- 15.14 The Highways Authority from a highway and transportation perspective considered that the proposal is acceptable. There have been a number of conditions recommended, as outlined earlier.

Arboricultural Issues

- 15.15 The arboricultural officer does not object to the proposal and commented that there are trees to be felled on the roundabout but given the relatively low quality of these trees their loss could be mitigated through landscape planting. Accordingly, the proposal is considered acceptable in terms of its impact upon existing vegetation on the roundabout subject to replacement planting.

Landscaping

- 15.16 The planting scheme proposed is to include drought tolerant, low maintenance species. It will be conditioned that no works shall take place until a scheme of hard and soft landscaping is agreed with the Council. This will ensure adequate replacement planting will be implemented in the interests of the visual amenity of the proposal.

Other

- 15.17 There are no archaeological implications so the proposal does not conflict with the provisions of Policy DP14.
- 15.18 The objection raised in representations about the cost of the project is not a planning issue.

16.0 Conclusion

- 16.1 To summarise, it is not considered there would be any detriment to highway safety and the highway authority have made no objections. The proposal is considered acceptable from a visual amenity point of view in this context. Replacement landscaping is proposed to complement the scheme. Accordingly, the proposal fully accords with the Council's Planning Policies. Objections have been received however these objections can be mitigated through the use of conditions and informatives recommended.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - Development To Accord With Approved Plans

The development hereby permitted shall be carried out in accordance, with the details shown on the submitted Drawing Numbers: 948-305 A received 19/7/18, 948/301, 948/302, 948/303, 948/304, 948/306 received 17/4/18.

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

3. ZBB – Materials

The external facing materials to be used shall be those specified on the submitted application form and drawings.

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

4. ZFE – landscape management plan

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

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

5. Z00 – Non Standard Condition - Landscape

No works shall take place until a scheme of hard and soft landscape works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing trees, shrubs and hedgerows on the site, proposed planting, details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of

being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

6. Z00- Non Standard Condition- Illumination

No development shall take place until the means of illumination of the proposed development has been approved in writing by the Local Planning Authority.

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. ZGR - Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ3 SMALL TOWN CENTRES OR URBAN LOCATIONS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

8. Z00- Non Standard Condition – Construction Method Statement

No development shall take place, including any ground works or works of site clearance, 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. the means or method of protecting the travelling public within the highway throughout the site clearance and construction phases
- vi. a traffic management plan to maintain the free flow of motorised traffic throughout the site clearance and construction phases

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, to protect the travelling public and maintain the free flow of traffic in the Classified Road, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

9. Z00 - Non Standard Condition – Licencing

No development shall take place until the required licencing of the proposed private apparatus in the highway and the structure has been secured by the applicant which shall be approved in writing by the Local Planning Authority.

Reason: To protect and preserve the integrity and fabric of the highway in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

18.0 Informatives

Informative 1: The applicant should be advised that the Road Safety Audit and or Safety Audit should accompany any request for licencing of the proposed development.

Informative 2: 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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. 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.

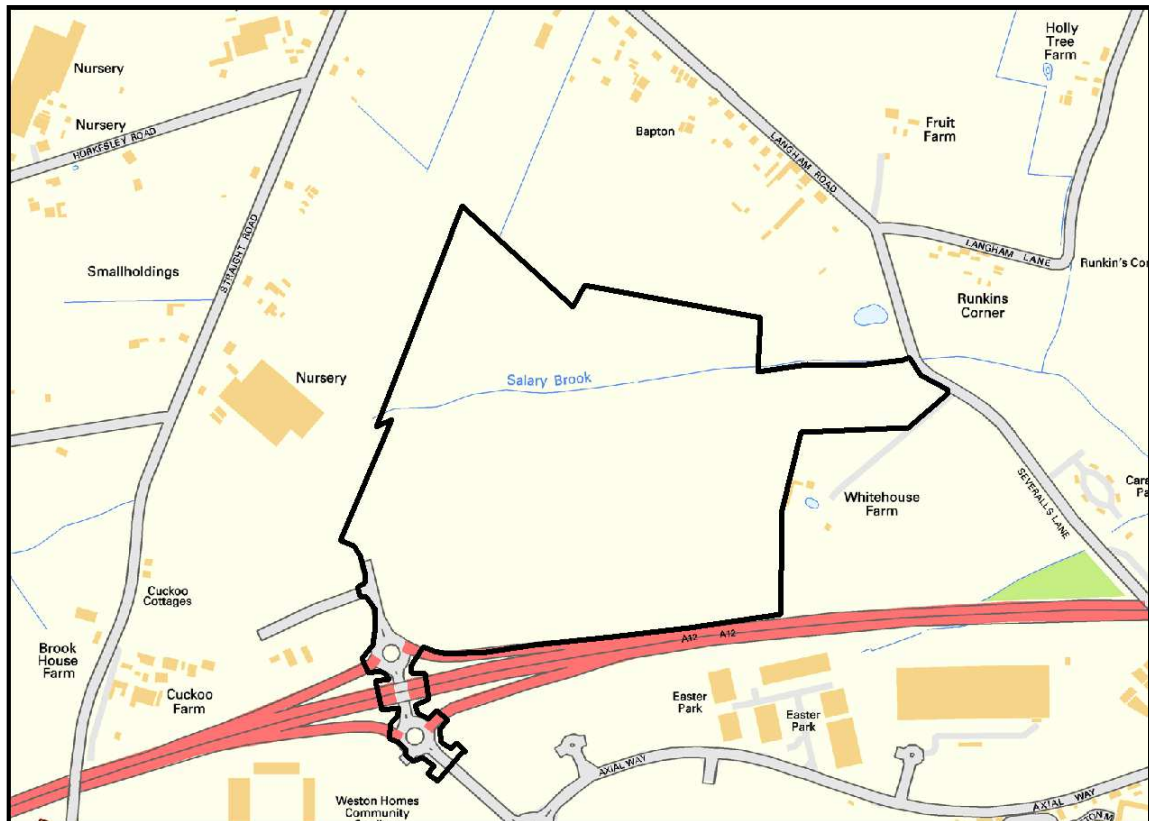
4. ZTA - Informative on Conditions Stating Prior to Commencement

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. 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' (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.

5. 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.



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Item No: 7.3

Application: 183101

Applicant: Ms Bowser, CBC

Agent: Mrs Emily Pugh, AECOM

Proposal: Application for removal or variation of a condition following grant of planning permission. (Condition 2 of 180438)

Location: CNG Sports, Cuckoo Farm Way, Colchester, CO4 5JA

Ward: Rural North

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major development proposal submitted on behalf of the Borough Council and has generated an objection from a local resident.

2.0 Synopsis

- 2.1 The principle of the Sports Hub has already been previously agreed. The revisions relating to details of floodlighting, fencing, maintenance storage sheds, archery buildings and the foul water pumping station. These are considered to be acceptable and would not be detrimental to visual amenity, residential amenity, highway safety or ecology. The proposed revisions can therefore be supported and any new permission would have the same conditions applied (which would be revised where necessary given that some condition details have already been submitted and agreed).
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site for this proposed development is an irregularly-shaped, extensive area of land that was formerly utilised for agricultural purposes, located to the north of junction 28 of the A.12 trunk road. It has an overall area of 34.5 hectares. The site, which is relatively level, contains a number of trees and established hedgerows, that define some boundaries with adjoining land. Part of Salary Brook runs through the approximate centre of the site.
- 3.2 It is bounded to the south by the A.12 trunk road, including junction 28 which enables access to north Colchester, including the emerging Colchester Northern Gateway, of which this proposed development would form part. To the west of the site is the Park and Ride development, also accessed from junction 28, a petrol filling station and a fast food restaurant with drive-through facility. To the northern end of the western boundary the site abuts land associated with established residential development fronting Boxted Road. To the north the site abuts open land, between it and the curtilages of dwellings that front the southern side of Langham Road. To the east the majority of the site boundary abuts the curtilage of Whitehouse Farm. A smaller length of the eastern boundary, at its northern end, faces Severalls Lane.

4.0 Description of the Proposal

- 4.1 The application is for the variation of a condition 2 (approved drawings) relating to application 180438. The original application 180438 was approved on 17/7/18 with the following description:

“Full planning application for the Colchester Northern Gateway Sports Hub (Use Class D2) comprising a 2,425sqm sports centre, a 1,641sqm club house, 12 no. sports pitches (comprising two 3G pitches, seven turf pitches and three mini pitches), a 1.6km cycle track, archery range; recreational areas; 10 no. ancillary storage buildings (totalling 298sqm), and associated earthworks,

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landscaping, utilities, pumping stations, car parking, access and junction alterations.”

4.2 The variation of condition 2 of the approved application comprises of the following amendments to the proposed approved development:

- A reduction in the lux levels of the floodlighting for ATP1 and ATP2 from an illuminance value of 500 lux to 200 lux with reduction in height of floodlight mast columns to 25m in height for ATP1 and 15m in height for ATP2 (see amended Drawing 15021-PEV-XX-XX-DR-E-0100);
- New pitch floodlighting of two of the grass pitches (P3 and P4, which are immediately east of the all-weather pitches) to an illuminance value of 200 lux with floodlight mast columns of 15m in height (see amended Drawing 15021-PEV-XX-XX-DR-E-0100);
- Increasing the height of the fencing to the A12 from 1.2m to 1.8m (see amended Drawing P10362-00-003-100 Rev T07);
Colchester Northern Gateway Sports Hub
- Relocation of the site maintenance storage shed and compound to the north of the all-weather pitch ATP1 and reconfiguration of the native meadow habitat area to accommodate this (see amended Drawing P10362-00-003-100 Rev T07);
- Combining the archery club house shed and store into a single building (see amended Drawing P10362-00-003-100 Rev T07 and 15021-GT3-07-00-DR-A-(08)10 Rev A Archery Clubhouse & Store Drawing); and
- Relocation of foul water pumping station (see amended Drawing P10362-00-003-100).

Amendment of the following approved plans:

- P10362-00-003-100 REV D 14 Site Masterplan
- P10362-00-003-110 Rev D04 Proposed Site Levels
- 15021-GT3-07-00-DR-A-(08)10 Archery Clubhouse Drawings
- 15021-GT3-08-00-DR-A-(08)10 Archery Store Drawings

The following drawings are submitted for approval, to supersede the plans listed above:

- P10362-00-003-100 Rev T07 Site Masterplan
- P10362-00-003-110 Rev T03 Proposed Levels Plan
- 15021-GT3-07-00-DR-A-(08)10 Rev A Archery Clubhouse & Store Drawing 1.7. In addition, one new drawing is submitted for approval.

- 15021-PEV-XX-XX-DR-E-0100_ Indicative External Lighting Layout_170341

5.0 Land Use Allocation

- 5.1 Within the adopted Local Plan the majority of the site has no specific allocation i.e. white land. However, an area of the western part of the site is included in a larger area that was allocated for Park and Ride purposes.

6.0 Relevant Planning History

- 6.1 180438 - Full planning application CNG Sports Hub (Use Class D2) comprising a 2,425sqm sports centre, a 1,641sqm club house, 12 no. sports pitches (comprising two 3G pitches, seven turf pitches and three mini pitches), a 1.6km cycle track, archery range; recreational areas; 10 no. ancillary storage buildings (totaling 298sqm), and associated earthworks, landscaping, utilities, pumping stations, car parking, access and junction alterations. Conditional Approval: 17/7/18

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
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
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

- 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
- DP10 Tourism, Leisure and Culture
- 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
- DP25 Renewable Energy

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

- SA NGA1 Appropriate Uses within the North Growth Area
- SA NGA4 Transport measures in North Growth Area

- 7.5 The Neighbourhood Plan for Boxted / Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

- 7.6 In addition to the above, consideration also needs to be given to the emerging local plan. The following policies are relevant in the Submission Colchester Borough Local Plan 2017-2033:

- SP1 Presumption in Favour of Sustainable Development
- SP6 Place Shaping Principles
- SG1 Colchester’s Spatial Strategy
- SG7 Infrastructure Delivery and Impact Mitigation
- SG8 Neighbourhood Plans
- ENV1 Environment
- ENV3 Green Infrastructure
- CC1 Climate Change
- PP1 Generic Infrastructure and Mitigation Requirements
- NC1 North Colchester and Severalls Strategic Economic Area
- NC4 Transport in North Colchester
- DM1 Health and Wellbeing
- DM2 Community Facilities
- DM4 Sports Provision
- DM15 Design and Amenity
- DM20 Promoting Sustainable Transport and Changing Travel Behaviour
- DM21 Sustainable Access to Development
- DM22 Parking
- DM23 Flood Risk and Water Management
- DM24 Sustainable Urban Drainage Systems
- DM25 Renewable Energy, Water, Waste and Recycling

7.7 Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- (1) the stage of preparation of the emerging plan;
- (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and
- (3) the degree of consistency of relevant policies to the policies in the Framework.

7.8 Emerging Local Plan

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

External Materials in New Developments
EPOA Vehicle Parking Standards
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime
North Colchester Growth Area
Air Quality Management Guidance Note, Areas & Order
Boxted Parish Plan incorporating Village Design Statement
Langham Village Design Statement
Myland Parish Plan AND Myland Design Statement

7.10 Members should also note that the Colchester Northern Gateway Master Plan Vision Review was adopted by the Council as guidance for development and future planning applications at the Local Plan Committee meeting held on 18th December 2017. Some key principles contained in this document in relation to the application site (identified as Zone 3) are as follows:

- Development to be of a more informal rural feel
- High quality, striking architecture appropriate to the rural setting
- Provision of improved non-car modes of access as part of an overall modal shift aim for the whole Colchester Northern gateway as a major leisure destination
- Provision of electric charging points for vehicles

The Vision Review requires that planning applications for development plots within Colchester Northern Gateway have regard to the aims of the document.

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 Highways England “offer no objection.”

8.3 Natural England “currently has no comment to make on the variation of condition 2. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.”

8.4 Environmental Protection state that the lighting map has been viewed and are “happy that it is unlikely to be a nuisance to surrounding residents. From the lighting map it shows the light reaching the perimeter by the cycle track is between 1 and 2 lux. 1 lux is the equivalent light produced by 1 candle on a 1m² surface at 1m distance. This is very unlikely to be a statutory nuisance.

In a very dark environment, national park, the light trespass into a window should be 2 lux before 23:00 and 1 lux after. For a small rural village 5 lux before 23:00 and 1 lux after.

We would not take action because a light is visible we would only act if light trespass measured inside the property exceeds the recommendations. I would also say that the light readings from inside the property would be taken with normal curtains or blinds closed.”

8.5 Archaeologist: “No comment.”

9.0 Parish Council Response

9.1 Myland Community Council has “no objection”.

10.0 Representations from Notified Parties

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

10.2 One letter of objection has been received which makes the following points:

- Lighting

The Planning Statement - section 3.8 The Environmental Statement Addendum - lists many mitigations that have been taken to protect our ecology, but makes no mention of the effect on the humans in Whitehouse Farm. This seems to be a significant omission. As these residents we are concerned about all light pollution from the development, but mainly that from the cycle track. We can find no information on the increased light levels we will experience in our house and garden - if there is any we believe we should be consulted on them individually. In the absence of detailed data, we believe that 10m lamp standard 20m from our house and garden are unacceptable. We were led to believe that low (2m) posts were to be specified. We ask that this be implemented. Further we deem as unacceptable that the views from our house and terrace may have, as the main feature, a lighting post. We therefore request that the lighting be spaced such that no lamp is directly in our line of sight.

- Fencing

We note that the Planning Statement states that:

3.11 Planning policy DP1 of Colchester Development Policies DPD stipulates that all development must create a safe and secure environment. We do not believe that current plans for fencing achieve this with regard to dogs and their owners. There is only a short section of our boundary that is to be fenced. Our land is fenced in a way that ensures our horses are secure - but does not prevent the ingress of dogs as they are not currently present on our boundary. The CNG sports development will naturally bring dogs and their owners. If dog proof fencing is not included along our boundary there is risk that dogs will enter our land, with their owners following, this will then put them and our horses at risk of injury. We request that dog proof fencing is required along our entire boundary to eliminate this risk.

- American Football Pitch

We note that the land to North of our property and the East of the Cycle track is shown on the plans as grass. We also note that the plan on the Northern Gateway website shows this area as an American Football Pitch. We require confirmation that this area is to be meadow. If not revised fencing and landscaping plans are required.

11.0 Parking Provision

- 11.1 As before, the drawings submitted propose that 358 car parking spaces are provided on the site. This number includes the provision of 26 spaces allocated for disabled persons (located adjacent to the proposed Sports Centre and Club House). It is also proposed that 48 cycle stands are provided; again, these being adjacent to the Sports Centre and the Club House.
- 11.2 Members are also advised that the applicant has reached agreement with ECC, as the Park and Ride operator, that 200 car parking spaces will be available as overspill parking on rugby match days.

12.0 Open Space Provisions

- 12.1 The submitted scheme, by its nature, consists predominantly of open space, both in the provision of public and private playing surfaces, tracks etc. together with large areas of open grassed amenity and play spaces.

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 but no additional issues have arisen compared to the previous permission.

15.0 Report

The Principle of Development

- 15.1 The principle of the development of the Sports Hub has already been previously agreed under application 180438. The Planning Considerations section of that previous Committee report that relates to these revisions is contained in Appendix 1 by way of background to the case. The issues that now fall to be considered are the amendments to that approved scheme, as follows.

Floodlighting

- 15.2 With regard to the proposed amendments to floodlighting, Policy DP1 of the Local Plan stipulates that existing public and residential amenity, including from light pollution should be protected. In addition the visual impact of the lighting amendments and any impact upon ecology needs to be considered. Overall, amendments to the floodlighting are considered acceptable in terms of impact upon residential amenity, visual amenity, ecology and highway safety.
- 15.3 The revisions involve reducing the lux levels of the floodlighting for ATP1 and ATP2 from an illuminance value of 500 lux to 200 lux with floodlight mast columns of 25m in height for ATP1 and 15m in height for ATP2. It is also proposed to provide floodlighting for grass pitches P3 and P4 which are located immediately east of the all-weather pitches. They will be lit to an illuminance value of 200 lux with floodlight mast columns of 15m in height.
- 15.4 The applicant has undertaken a further review regarding the impact of the revised floodlighting on ecology, landscape and visual amenity, and light pollution. Having regard to this review it is concluded that it is not considered the revisions would result in any new or additional significant effects beyond those reported in the 2018 ES. The aim has been to minimise intrusive light and sky glow, focusing on the active surface area only with directional light. The additional floodlighting has followed these principles. The proposed height of the lighting columns allows the floodlights to be mounted horizontally, resulting in low vertical overspill and good uniformity on the surface. The LED fixtures will be focused on the surface so light spill should be virtually eliminated.
- 15.5 Accordingly it is considered that proposed lighting will offer low light pollution and there will not be any significant impact upon visual amenity or neighbouring residential amenity. The comments received from the neighbour have been carefully considered and Environmental Protection have confirmed that the revised floodlighting is unlikely to be a nuisance to surrounding residents. It is also concluded that "From the lighting map it shows the light reaching the perimeter by the cycle track is between 1 and 2 lux. 1 lux is the equivalent light produced by 1 candle on a 1m² surface at 1m distance." It is considered very unlikely that this would be a statutory nuisance.
- 15.6 Environmental Protection have also confirmed "In a very dark environment, national park, the light trespass into a window should be 2 lux before 23:00 and 1 lux after. For a small rural village 5 lux before 23:00 and 1 lux after. We would not take action because a light is visible, we would only act if light trespass measured inside the property exceeds the recommendations. I would also say that the light readings from inside the property would be taken with normal curtains or blinds closed."

15.7 With regard to the impact of the lighting on ecology and having regard to the submitted Environmental Statement Addendum it is concluded that there would not be any significant effects on ecological receptors including bats, the Local Wildlife Site or other nocturnal animals on or offsite, as a result of the amended lighting design. Natural England have also not raised any objections in this respect.

15.8 It is therefore considered that the floodlighting revisions accord with Policy DP 1 as the character of the site and its context is respected and light pollution and impact upon neighbouring residential amenity will be minimised. The proposal would also not conflict with Policy DP14 which aims to conserve or enhance biodiversity. It would also not conflict with Policy DP1 as it is not considered there would be a detriment to visual amenity.

Fence revisions

15.9 It is proposed to increase the height of the fence adjacent to the A12 from 1.2m to 1.8m. The style of the fence is proposed to remain as approved, comprising a wire perimeter agricultural fence using timber posts and mesh. The applicant states that the increase in height of the fence is to ensure that users of the site do not stray on to the A12 whilst the proposed vegetation buffer is establishing. The style and height of the fence is considered to be appropriate for the setting of the site and would not detract from the character of the surrounding countryside. Policy DP1 stipulates that all development must create a safe and secure environment and it is therefore, it is considered that the proposed amendment to the fence is consistent with this policy.

Maintenance storage sheds

15.10 It is proposed to relocate the two storage sheds that have been previously permitted to the north of grass pitch P3. The proposed location of these two sheds is now further west, to the north of artificial pitch ATP1. Associated with this relocation is the reconfiguration of the native meadow habitat area. It is considered that this revised location of the storage shed is acceptable in visual amenity terms and would not have any impact upon neighbouring residential amenity or upon trees and other vegetation. The proposed re-siting of these storage buildings brings the built form closer to permitted buildings and structures—such as the Rugby Clubhouse and ATP1, which will reduce the visual impact of the structures themselves. The design of the storage sheds remains the same as what is currently approved and therefore remains acceptable.

15.11 This revision is therefore considered acceptable and accords with Policy DP1.

Archery buildings

- 15.12 Planning permission has been granted for two buildings to serve the archery facilities within the site; a clubhouse and a store. It is proposed to combine the archery clubhouse and store into a single building. The overall footprint of the proposed building is marginally greater than the footprint of the two currently approved buildings. However, its height and width are unchanged from the approved scheme. In addition, the appearance of the proposed building is broadly the same as what is currently approved and there is very little difference in terms of positioning of the building. Accordingly it is considered that the proposed amendments are visually acceptable. There would also be no impact upon residential amenity or upon trees and vegetation. The proposal therefore complies with Policy DP1 as it respects the character of the site and its surroundings.

Foul water pumping station

- 15.13 It is proposed to relocate the foul water pumping station from its permitted location at the west of the car park to a new location east of the access road and southwest of the closed circuit cycling track. The appearance of the foul water pumping station is to remain as approved and accordingly its design and form remains acceptable. The revised location of the building is also considered acceptable, particularly as it would be largely screened from view by the Hedgerow Buffer. It is not considered there would be any detriment to neighbouring residential amenity, existing vegetation or ecology so again, Policy DP1 and DP21 would be complied with.

Other

- 15.14 There are no highway safety implications from the revised proposal and no objections have been received from Highways England.
- 15.15 There are no archaeological implications. (Policy DP14).
- 15.16 With regard to the concerns raised by a neighbour, these issues are not proposed changes to this Section.73 application. There are no changes proposed to the lighting of the cycle track. The site masterplan (approved drawing: P10362-00-003-100 REV D 14 Site Masterplan, proposed drawing: P10362-00-003-100 Rev T07 Site Masterplan) show lighting columns in the same place. The additional floodlighting is for the rugby pitches, not the cycle track. The cycle track columns have always been 10m in height.
- 15.17 In terms impacts of the revised lighting (to rugby pitches 3 and 4) the previously submitted lux contour plan (submitted as part of the ES) 15021-PEV-XX-XX-DR-E-0100 Rev. P03 and the proposed lux contour plan 15021-PEV-XX-XX-DR-E-0100 Rev. P04 show that at the south-eastern boundary of the site, the light levels are 2 lux, and therefore, there is no increase in the light levels between the approved development and the proposed amendments with respect to impact on Whitehouse Farm.

15.18 The only change proposed to the boundary treatments of the site is along the boundary with the A12. All other boundary treatments are as previously approved.

15.19 The scheme which planning permission is sought is shown on the submitted plans; there are no pitches east of the cycle track.

16.0 Conclusion

16.1 To summarise, the principle of the Sports Hub has already been previously agreed. The revisions relating to floodlighting, fencing, maintenance storage sheds, archery buildings, and the foul water pumping station are considered to be acceptable and would not be detrimental to visual amenity, residential amenity, highway safety or ecology. The proposed revisions can therefore be supported and a new consent granted with the same conditions applied (which would be revised where necessary given that some condition details have already been submitted and agreed, albeit in phases).

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAM- *Development to Accord With Approved Plans*

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

Previously approved drawings

15021-GT3-00-XX-DR-A(03)02 RUGBY PITCH SIZES
15021-GT3-00-XX-DR-A(03)01 RUGBY PITCH SIZES
15021-GT3-02-ZZDR- A(08)16 EXTERNAL SIGNAGE
15021-GT3-02-ZZ-DR-A(08)13 EAST & SOUTH ELEVATIONS
15021-GT3-01-ZZ-DR-A(08)14 NORTH & WEST ELEVATIONS REV I
15021-GT3-01-00-DR-A (08) 10 SPORTS CENTRE GROUND FLOOR
15021-GT3-01-00-DR-A (08) 11 SPORTS CENTRE FIRST FLOOR
15021-GT3-01-01-DR-A (08) 12 SPORTS CENTRE ROOF PLAN
15021- GT3-01-ZZ-DR-A (08) 18 SPORTS CENTRE PERSPECTIVE
15021-GT3-01-ZZVS-A (03) 02 SPORTS CENTRE VISUALS 2
15021-GT3-01-ZZ-VS-A-(03) 03 Rev C SPORTS CENTRE VISUALS 3
15021-GT3-01-ZZ-DR-A-ZZ-VS-A-(03) 04 SPORTS CENTRE VISUALS 4
15021-GT3-01-ZZ-DR-A(08)00 Rev A SPORTS CENTRE 3D CUTAWAYS
15021-GT3-01-ZZ-DR-A (08) 15 SPORTS CENTRE GA SECTIONS
15021-GT3-01-ZZ-DR-A (08) 16 SPORTS CENTRE GA SECTIONS
15021-GT3-02-00-DR-A (08) 10 RUGBY CLUBHOUSE GROUND FLOOR PLAN
15021-GT3-02-01-DR-A (08) 11 RUGBY CLUBHOUSE FIRST FLOOR PLAN
15021-GT3-02-A (08) 00 RUGBY CLUBHOUSE 3D VIEWS
15021-GT3-02-R1-A (08) 12 RUGBY CLUBHOUSE ROOF PLAN
15021-GT3-02-ZZ-DRA (08) 13 RUGBY CLUBHOUSE E & S ELEVS
15021-GT3-02-ZZ-DR-A (08) 14 RUGBY CLUBHOUSE N & W ELEVS
15021-GT3-02-ZZ-DR-A (08) 15 RUGBY CLUBHOUSE GA SECTIONS

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15021-GT3-02-ZZ-DR-A (08) 16 RUGBY CLUBHOUSE EXTERNAL SIGNAGE
 15021-GT3-02-ZZ-VS-A (03) 02 Rev B RUGBY CLUBHOUSE EXTERNAL VISUALS
 2
 15021-GT3-04-00-DR-A (08) 10 CYCLE OFFICIALS BOOTH DRAWING
 15021-GT3-05-00-DR-A (08) 10 GARDENING EQUIPMENT STORAGE UNIT
 15021-GT3-06-00-DR-A (08) 10 TYPICAL BINSTORE DRAWINGS,
 15021-GT3-09-00-DR-A (08) 10 TYPICAL STORAGE CONTAINER DRAWINGS
 15021-GT3-ZZ-DR-A (08)01 REV A LOCATION PLAN
 105714 – 102 Rev. C HIGHWAYS PLAN
 105714-101-Rev. E HIGHWAYS PLAN
 P10362-00-003-111 Rev D01 EXISTING SITE LEVELS
 P10362-00-003-120 Rev D02 TREE REMOVALPLAN
 P10362-00-003-130 Rev D00 SITE SECTIONS

Amended Section 73 Plans:

P10362-00-003-100 Rev T07 Site Masterplan

P10362-00-003-110 Rev T03 Proposed Levels Plan

15021-GT3-07-00-DR-A-(08)10 Rev A Archery Clubhouse & Store Drawing
 1.7 In addition, one new drawing is submitted for approval:

15021-PEV-XX-XX-DR-E-0100_Indicative External Lighting Layout_170341

Furthermore the development shall be carried out in accordance with all documentation and reports submitted in support of the application (including amended versions and additional reports where applicable) and in accordance with the previously approved conditions.

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

2. Non Standard Condition - Construction Phasing

All development works shall thereafter be carried out in accordance with the previously approved phasing scheme pursuant to condition 3 of planning permission ref: 180438.

Reason: To limit the local impact of the construction work in the interests of the amenities of the surrounding area.

3. ZBC- Materials to Be agreed

No external materials shall be used until a schedule of all types and colours has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

4. ZBF – Surfacing Materials to be Agreed

Prior to the laying down of any surface materials for private, non- adoptable accessways, 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.

5. ZCC - Non-Residential BREEAM (Part 1 of 2)

Prior to the commencement of the relevant phase of development evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

6. ZCD- Non-Residential BREEAM (part 2 of 2)

Within 6 months of the occupation of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

7. ZCF- Refuse and Recycling As Shown

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

8. ZCG- Communal Storage Areas

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

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

9. ZCH- Litter

Prior to the first occupation of the development hereby permitted, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order.

Reason: In order to ensure that there is satisfactory provision in place for the storage and collection of litter within the public environment where the application lacks sufficient information.

10. ZCI – Connection of Foul Sewer (non-standard)

All sewage and waste water shall be discharged to the foul sewer.

Reason: To meet the requirements of Circular 3/99 and to ensure that the environmental, amenity and public health problems that can arise from non-mains sewerage systems do not occur.

11. Non Standard Condition - Surface Water Drainage Scheme

Prior to the commencement of the relevant phase of the development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1 in 1 greenfield for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, including roof areas, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

12. Non Standard Condition - Scheme to minimise off-site flooding

Prior to the commencement of the relevant phase of the development a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 165 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

13. Non Standard Condition- Drainage maintenance Plan

Prior to the commencement of the relevant phase of development a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

14. Non Standard Condition - Yearly maintenance Logs

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

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

15. Non Standard Condition - Removal of Permitted Development Rights

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the development hereby approved shall be used solely as described in the planning application submission documents and supporting materials and for no other purpose(s) in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent in any Statutory instrument revoking and re-enacting that Order with or without modification).

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

16. ZFE – Landscape Management Plan

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

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

17. Non Standard Condition - Landscaping Conditions

Prior to the commencement of the relevant phase of development full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed finished levels or contours;
- Means of enclosure including all boundary fencing;
- Car parking layouts;
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.);
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Retained historic landscape features;
- Proposals for restoration;
- Planting plans;

- Written specifications (including cultivation and other operations associated with plant and grass establishment); • Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- Implementation timetables and monitoring programs.

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

18. ZFG- Earthworks

Prior to the commencement of the relevant phase of development details of all earthworks in relation to that phase shall be submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any earthworks are acceptable in relation to their surroundings.

19. ZFQ- Tree and Natural Feature Protection; Protected Areas

Prior to the commencement of the relevant phase of development all trees, shrubs and other natural features not scheduled for removal on the approved plans shall be safeguarded behind protective fencing to a standard that has 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.

20. ZFR- Tree and Natural Feature Protection: Entire Site

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

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

21. ZFU- Tree Canopy Hand Excavation

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

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

22. Non Standard Condition - Construction Environmental Management Plan

The approved Construction Environmental Management Plan pursuant to condition 23 of planning permission 180438 shall be strictly adhered to throughout the construction period.

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

23. Non Standard Condition - Limits to Hours of work and construction vehicles

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

Weekdays: 8am - 6pm

Saturdays: 8am - 1pm

Sundays and Public/Bank

Holidays: NOT AT ALL.

Furthermore, no vehicle connected with the works shall arrive on site before 7:30am or leave after 7:00pm (except on case of emergency).

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.

24. Non Standard Condition- Hours of operation

The uses hereby permitted shall be restricted to the following times:

	Weekdays	Saturdays	Sundays/Bank Holidays
Sports Centre	07.00-23.00	07.00-23.00	08.00-23.00
Rugby Clubhouse	Mon, Tue, Thur 08.00-23.00 Weds 08.00-Midnight Fri 08:00-01:00 (Sat morning)	08.00-01.00 (Sunday morning)	08.00-22.00
Tannoy for matches and events	Until 21.00	Until 21.00	Until 21.00 (on up to 30 days per year)
Floodlighting to two artificial pitches	Until 22.00	Until 22.00	Until 21.00
Cycle track lighting - low lux level and low height	Until 22.00	Until 22.00	Until 21.00

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.

Note: Premises requiring a License will need to apply to the Licensing Authority and each application will be assessed on its own merits; there is no guarantee that the above hours would be approved.

25. Non Standard Condition- Food Premises- (Control of Fumes and Odours).

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

26. Non Standard Condition- Grease Traps required

Prior to the first use of the development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

27. Non Standard Condition - Restriction of Amplified Music

Prior to the first use or occupation of the development hereby permitted, the level of internal amplified sound shall be restricted by the installation and use of a noise limiting device that complies with details that shall have been submitted to and agreed, in writing, by the Local Planning Authority. Thereafter, such devices shall be retained and operated in accordance with the approved specification and working order at all times.

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 and disturbance from amplified noise, as there is insufficient information within the submitted application.

28. Non Standard Condition- Self Closing Doors

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.

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.

29. Non Standard Condition - Sound Insulation on Any Building

Prior to the first use or occupation of the development as hereby permitted, the buildings shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed 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.

30. Non Standard Condition - Details of the Public Address System

Prior to the first use or occupation of the development as hereby permitted, full details of the public address system to be installed on the site shall be submitted to and approved in writing with the Local Planning Authority. The system shall thereafter be used solely in accordance with the approved details.

Reason: Insufficient details are included as part of this application submission and the Council would wish to ensure that the public address system is fit for purpose and does not unacceptably affect the amenity of nearby residents by reason of noise nuisance.

31. Non Standard Condition - Details of Floodlighting

Prior to the installation of any floodlighting full details shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure that any floodlighting at the site is of a satisfactory specification and to ensure that it will not cause any undue harm or loss of amenity to the surroundings area.

32. Non Standard Condition - External Lighting Fixtures

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

33. Non Standard Condition - External Lighting

All external lighting serving the buildings hereby approved shall only be illuminated during the authorised hours of opening of those buildings.

Reason: To control periods of illumination in order to reduce the risks of any undesirable effects of light pollution.

34. ZGX- Contaminated land Part 1 of 4 (Site characterisation)

Prior to the commencement of the relevant phase of development 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.

35. ZGY-Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

Prior to the commencement of the relevant phase of development 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.

36. ZGZ – Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme).

No other works in the relevant phase shall take place prior to that required to carry out remediation, in accordance with the approved remediation scheme. 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.

37. 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 34, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 35, 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 36.

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.

38. 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 35.

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.

39. Non Standard Condition- Ecology

Prior to the commencement of the relevant phase of development a scheme shall be submitted to and approved in writing by the Local Planning Authority that describes the range of green infrastructure improvements that will be carried out on the site in order to improve its ecological value. The approved scheme shall be carried out to the satisfaction of the Council in accordance with a previously-agreed timescale.

Reason: To protect and enhance nature conservation interests to the overall amenity value of the area.

40. Non Standard Condition - Electric Charging Points

Prior to the commencement of the relevant phase of development a scheme for the provision of electric charging points for vehicles and electric bicycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of charging point to be provided, their location, a timeframe for their implementation and details of their on-going management and maintenance. The development shall be implemented in accordance with the approved details.

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

41. Non Standard Condition - Archaeology

The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and Addendum and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Borough Council's Core Strategy (2008) and Adopted Guidance 'Managing Archaeology in Development' (adopted 2015).

42. ZIS- Parking Space-Hardstanding Sizes (Open)

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

43. Non Standard Condition - Cycle Parking

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

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

44. Non Standard Condition - Highways Design Details

Prior to the first occupation of the development hereby approved the developer shall have submitted to and had approved in writing by the local planning authority in consultation with Highways England the following design details relating to the required improvements to the A12 J28 Stadium Junction. The scheme shall generally conform to the arrangements shown in outline on Systra Drawing 105714-100 Revision B dated 15 June 2018 Scheme details shall include drawings and documents showing:

- i. How the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations,
- ii. Full construction details relating to the highway improvement. This should include any modification to existing structures or proposed structures, with supporting analysis,
- iii. Full signing, lighting and drainage details and details of any modifications to vehicle restraint systems, where applicable,
- iv. confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- v. Evidence that the scheme is fully deliverable within land in the control of either the Highway Authority or the Applicant;
- vi. An independent Stage 1 Road Safety Audit, carried out in accordance with Departmental Standards (DMRB) and Advice Notes;
- vii. An independent Stage 2 Road Safety Audit (taking account of the Stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The above works are to be complete and open to traffic before the development is brought into its intended use.

Reason: To ensure that the A12 Junction 28 Colchester Stadium, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/13 'Planning and the Strategic Road Network' and guidance in National Planning Policy.

45. Non Standard Condition - Implementation of approved scheme

The scheme shown in outline on Systra 105714-100 Revision B dated 15 June 2018, as referred to in condition no.45 and as approved by the Local Planning Authority, shall be implemented and completed to the satisfaction of the Local Planning Authority, in consultation with Highways England. No occupation of the site shall take place unless and until the junction improvements have been delivered and are fully operational.

Reason: To ensure that the A12 Junction 28 Colchester Stadium, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/13 'Planning and the Strategic Road Network' and guidance in National Planning Policy.

46. Non Standard Condition- Travel club

Prior to the first occupation of the development hereby approved the applicant shall provide evidence that the scheme is included within the Colchester Travel Club.

Reason: In order that employees working on the site are able to access sustainable travel modes as part of a co-ordinated Travel Plan serving the site.

47. Non Standard Condition - Construction Management Plan.

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

Reason: To protect highway efficiency of movement and safety.

48. Non Standard Condition - Highway Works

No occupation of the development shall take place until the following have been provided or completed:

- a. A priority junction off Cuckoo Farm Way to provide access to the proposal site as shown in principle on the planning application drawings
- b. A footway/cycleway along the southwest side of Severalls Lane as shown in principle on planning application drawing number 105714- 101 Rev. E
- c. An all-purpose equestrian/cycle/pedestrian route off Boxted Road as shown in principle on planning application drawing number 105714-102 Rev. C
- d. A travel plan in accordance with Essex County Council guidance.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

49. Non Standard Condition - Sports Hall construction

The new sports hall shall be constructed substantially in accordance with Sport England and National Governing Body Technical Design Guidance Notes (Sport England: Sports Halls Design and Layouts 2012) and in particular the artificial lighting of the indoor cricket nets shall comply with the English Cricket Board 'Indoor Sports Halls with Cricket Provision (TS3) Technical Standards Guidance'.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy DP1.

50. Non Stanard Condition - Pitch Construction

The grass playing field/s and pitch/es and two artificial grass pitches shall be constructed and laid out in accordance with the planning application and with the standards and methodologies set out in the guidance notes: 'Natural Turf for Sport' (Sport England, 2011), 'Artificial Sports Surfaces' (Sport England 2012) and RFU Guidance Note 7 'Artificial Rugby turf', 'Guide to Flood Lighting' and Guidance Note 2 - 'Grass Pitches'.

Reason: To ensure the quality and capacity of pitches is satisfactory and to accord with Development Plan Policy DP1.

51. Non Standard Condition - Pitch Programme of use

Within 3 months of the date of this permission (or other period agreed with the LPA) a programme of use for the two new artificial grass pitches (AGPs) shall be submitted to and approved by the Local Planning Authority in consultation with Sport England. The programme of use shall provide access to the rugby club to both AGPs at peak rugby training and competition times.

Reason: To ensure the site provides sufficient capacity for rugby training and competition to secure adequate mitigation to address the loss of rugby pitches at Mill Road to comply with the NPPF paragraph 97.

52. Non Standard Condition - Management and Maintenance Plan

Before the Colchester Northern Gateway Sports Hub is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall provide for the replacement of the Artificial Grass Pitch carpet within a specified period (usually 10 to 15 years).

The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Sports Hub.

Reason: To ensure that a new facility/ies is/are capable of being managed and maintained to deliver facilities which is fit for purpose, have adequate capacity, are sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy DP1.

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. Non Standard Informative.

Detailed landscape proposals should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this is available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).

4. Non Standard Informative

The Highways Agency 'Informative' re S278 agreements dated July 2016 in respect of planning application relating to the development known Land North of Cuckoo Farm Way Colchester Northern Gateway Sports Hub is attached for the applicant's information.

The applicant is advised that the AGP pitch should be tested bi- annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works

All highway related details should be agreed with the Highway Authority

5. PLEASE NOTE: 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.

APPENDIX 1 Extract from PREVIOUS COMMITTEE REPORT (Precised)

Item No: 7.2
Application: 180438
Applicant: Colchester Amphora Trading Ltd – on behalf of Colchester Borough Council
Agent: Mr Thomas Smith, AECOM
Proposal: Full planning application for the Colchester Northern Gateway Sports Hub (Use Class D2) comprising a 2,425sqm sports centre, a 1,641sqm club house, 12 no. sports pitches (comprising two 3G pitches, seven turf pitches and three mini pitches), a 1.6km cycle track, archery range; recreational areas; 10 no. ancillary storage buildings (totalling 298sqm), and associated earthworks, landscaping, utilities, pumping stations, car parking, access and junction alterations.
Location: Colchester Northern Gateway, Cuckoo Farm Way, Colchester, Essex, CO4 5JA
Ward: Mile End
Officer: Bradly Heffer
Recommendation: Approval

Report extract:

15.11 Policy DP1 of the adopted Local Plan requires inter alia that ‘...All development must...Respect and enhance the character of the site, its context and surroundings...Respect or enhance the landscape...’ In this regard it is considered that the proposed development accords with the requirements of the identified policy. It is also considered that the requirements of UR2 (Built Design and Character) and ENV1 (Environment) are met satisfactorily.

Scale Height and Massing

15.12 Given the overall extent of the application site it is considered that the scale, or amount of development proposed under this application could be accommodated without it appearing cramped or out of keeping with the surroundings, which have a predominantly rural character. In terms of the proposed height of built form on the site, neither the proposed sports centre nor the Clubhouse building are considered to be excessively high and hence would not, it is felt, appear visually over-dominant nor intrusive.

15.13 It is noted that the several of the sports pitches would be served by floodlighting and the introduction of these features on an undeveloped site needs to be carefully considered in terms of their overall impact on visual amenity. The highest columns would be up to 28 metres high (serving the all-weather pitch nearest the Clubhouse), 20 metres (serving the second all-weather pitch to the east of the Sports Centre) and 10 metre high columns would serve the car park and cycle track. The height of the columns has been discussed with the applicant's agent as it is considered that the provision of 28 metre high columns would potentially be overly prominent and, hence, detrimental to visual amenity. To this end, the provision of lower columns is being considered. In any event, the final details of the lighting columns would be controlled through a condition attached to a planning permission.

Impacts on neighbouring properties

15.15 The nearest dwelling to the application site is White House Farm, which is accessed off Severalls Lane. The western boundary of the curtilage of this dwelling is contiguous with much of the eastern boundary of the site. The occupiers of the dwelling will potentially experience impacts from lighting and noise generated as a result of the proposed development taking place.

15.16 The element of the proposals that is nearest to White House Farm is the proposed cycle track. This feature would incorporate 10 m high directional lighting columns. Therefore the impact of lighting on the amenity of White House Farm is an important consideration. To this end the application is accompanied by an Environmental Statement that considers the issue of light pollution. The Statement advises that '...External lighting has been designed to minimise light spill into residential areas...in addition to minimising glare and light presence. Final mast locations, luminaire selection and their orientations will be carefully selected to minimise sky glow, light intrusion...All external lighting (except for safety and security lighting) will be automatically switched off between 2300 and 0700...'

15.17 Members will note that the Environmental Health Officer has not raised an objection to this proposal – having considered the lighting information submitted with the application. On this basis it is considered that the lighting proposals in relation to the cycle track feature would be acceptable in planning terms.

15.18 Clearly the provision of floodlighting for pitches and other lit areas (for example the car park) could create a significant degree of illumination on what is essentially currently a dark site. However, it must be acknowledged that the A12 junction and slip road to roadside facilities is well lit already. This change, primarily through glare and sky glow, will be experienced by the occupiers of White House Farm and, to a lesser extent, those of properties located along Boxted Road and Langham Road as well as users of the A.12 trunk road. The submitted Environmental Statement comments on this issue as follows:

'...the external lighting design takes into account the sensitivities of the surrounding receptors and has been developed in accordance with relevant standards and guidance...The lighting design has included an appropriate

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selection of column heights and luminaires to ensure that the intensity and direction of the lighting is controlled by retaining angles close to the horizontal, to ensure the effects are minimised...’

- 15.19 Again, the Environmental Health Officer has not objected to the proposal on grounds of excessive glare, light spill or sky glow being created by the development. In any event, the final details of lighting would be controlled by a condition of a planning permission – as advised elsewhere the overall height of lighting columns would be included in details to be finally agreed by condition.

Other Matters

Lighting

- 15.33 The issue of lighting the development is a key consideration as mentioned elsewhere in this report. The impacts of the various light sources have been quantified as part of the Environmental Statement and the Environmental Health Officer does not dispute the findings. Members are advised that lighting would be turned off by 2200 hours on weekdays and Saturdays, and by 2100hrs on Sundays and Bank Holidays. A suitably worded condition is recommended in order that the final details of lighting are controllable.

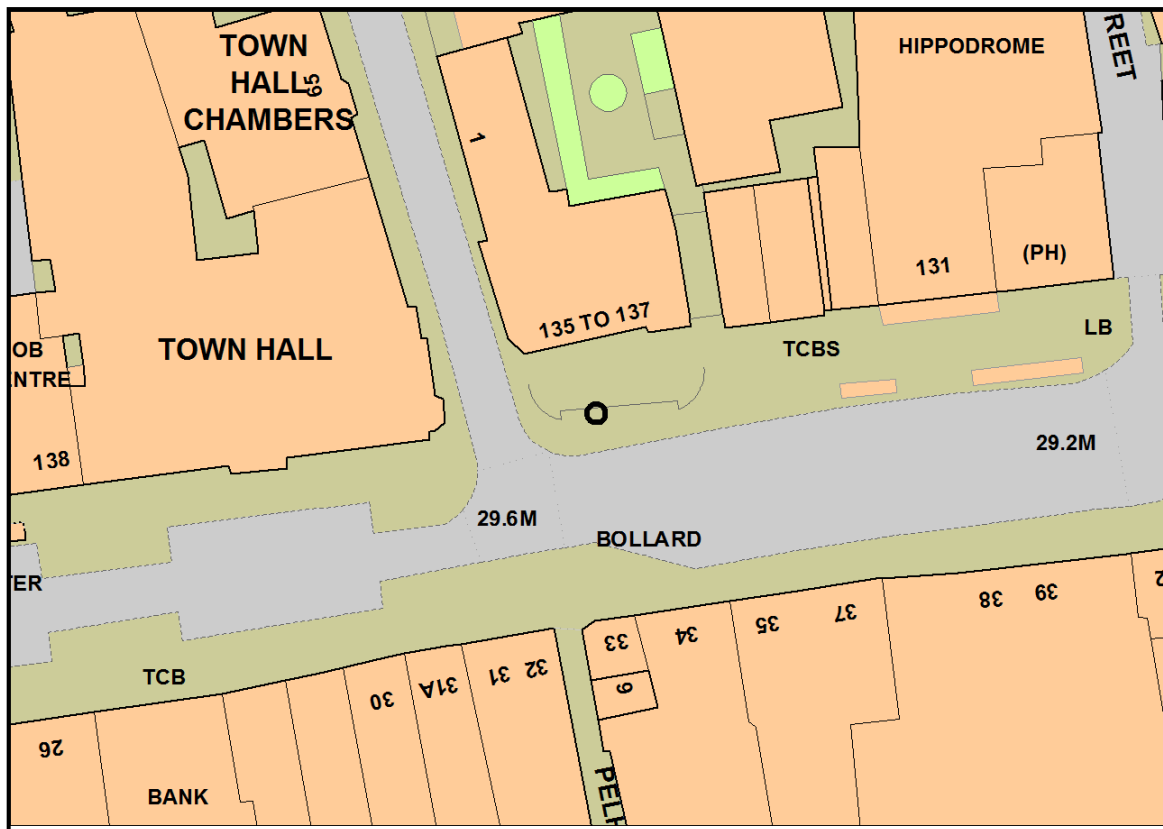
16.0 Conclusion

- 16.1 To summarise, the application site is not currently allocated for the purposes proposed under the application within the adopted Local Plan and the application represents a departure. That said, the need to provide additional sports and recreational facilities is recognised in the adopted Core Strategy, as is development in sustainable, accessible locations. In addition, the adopted Neighbourhood Plan for Myland and Braiswick does include the site as being suitable for the proposed development. Furthermore, the Council’s adopted Colchester Northern Gateway Master Plan Vision Review Document does reinforce the future role of the site as a sport and recreation destination, as part of the overall Northern Gateway development.
- 16.2 The emerging Local Plan includes policies that, again, establish the provision of a sports and recreation hub on the site, to meet a proven need. The status of the Plan means that it merits some consideration in the decision-making process, although full weight must be afforded to the adopted Local Plan policies. As a balanced judgement, given the circumstances that are outlined above, it is considered that the proposal represents an acceptable departure from the current plan, and may be supported in principle.
- 16.3 Leading on from this, it is considered that the design and layout of the scheme is a sensitive response to the current context and as such the development would not appear incongruous in its wider setting. The various impacts arising from the development have been properly addressed in the application and the imposition of suitable conditions would enable appropriate controls to be in place to mitigate any impacts arising.

17.0 Recommendation to the Committee

17.1 Members are advised that under the Town and Country Planning (Consultation) (England) Direction 2009 if the recommendation of approval is accepted it will be necessary to refer the application to the Secretary of State in order that a decision can be made with regard to whether the application is to be called in for determination. The following recommendation is made:

APPROVAL of planning permission subject to the following conditions....



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Item No: 7.4

Application: 190042

Applicant: Mr Kevan Griggs, Colchester Borough Council

Agent: Mr David Greene, Colchester Borough Homes

Proposal: Installation of drinking water fountain to existing stone wall in area formally known as 'Angels Yard' in Colchester High Street outside 'Bills' restaurant adjacent to Town Hall/West Stockwell Street. Drinking water fountain is of stainless steel construction, 900mm high x 330mm width x 365mm depth to be fixed to existing stone wall & paved ground. Excavations required for connection to water & drainage services associated with redundant 'Uri-Lift'

Location: Outside Bill's Restaurant, High Street, Colchester, CO1 1SP

Ward: Castle

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the Borough Council is the applicant.

2.0 Synopsis

- 2.1 The proposal would preserve the character of the Conservation Area and would not have any impact upon the setting of Listed Buildings. There are no archaeological implications and there would not be any impact upon trees/vegetation or upon highway safety.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site lies within the High Street and Conservation Area. There are Listed buildings within the vicinity but these are some way from the site.

4.0 Description of the Proposal

- 4.1 The proposal is for the installation of drinking water fountain to the existing stone wall in an area formally known as 'Angels Yard' in Colchester High Street outside 'Bills' restaurant. The drinking water fountain is of stainless steel construction, 900mm high x 330mm width x 365mm depth and would be fixed to an existing stone wall and paved ground. Excavations are required for connection to water and drainage services associated with redundant 'Uri-Lift'.

5.0 Land Use Allocation

- 5.1 No allocation

6.0 Relevant Planning History

- 6.1 None relevant

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
UR2 - Built Design and Character
PR2 - People-friendly Streets
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
DP4 Community Facilities
DP14 Historic Environment Assets

- 7.4 No Site Allocations (adopted 2010) policies are applicable to this case.

- 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
Sustainable Construction
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Managing Archaeology in Development.
Town Centre Public Realm Strategy

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 Archaeologist states: "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."

- 8.3 Highway Authority states:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No development shall take place until the required licencing of the proposed private apparatus in the highway and the structure has been secured by the applicant which shall be approved in writing by the Local Planning Authority.

Reason: To protect and preserve the integrity and fabric of the highway in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: The applicant should be advised that the Road Safety Audit and or Safety Audit should accompany any request for licencing of the proposed development.

Informative2: 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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

9.0 Parish Council Response

9.1 Non-Parished.

10.0 Representations from Notified Parties

10.1 None received at the time of writing.

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

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 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

Visual Impact in Conservation Area

- 15.1 The site lies within the Conservation Area and Listed Buildings are in the vicinity but not particularly close to the proposed water fountain. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. S38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant adopted Local Plan policies are CS ENV1 and DPD 14.
- 15.2 Owing to the modest size of the water fountain and its design detailing it is considered that the character of the Conservation Area and street scene would be preserved. There would also be no impact upon the setting of Listed Buildings. Accordingly the proposal meets the requirements of the NPPF in particular 193, 195 and 196. The proposal would also comply with Policy DP14 which aims to preserve the historic environment and with Policy DP1 as the character of the site and townscape is respected.

Other

- 15.3 There are no archaeological implications and there would not be any impact upon trees/ vegetation or upon highway safety.

16.0 Conclusion

- 16.1 To summarise, the proposal is considered acceptable for the above reasons.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM- Development To Accord with approved plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 0002, 02 A, Drinking Water Fountain Specification and 0005.

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

3. Z00- Highway Licensing

No development shall take place until the required licensing of the proposed private apparatus in the highway and the structure has been secured by the applicant which shall be approved in writing by the Local Planning Authority.

Reason: To protect and preserve the integrity and fabric of the highway in the interests of highway safety .

4. ZBB - Materials as stated in application

The external materials to be used shall be those specified on the submitted application form and drawings.

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

18.0 Informatives

18.1 The following informatives are also recommended:

1. The applicant should be advised that the Road Safety Audit and or Safety Audit should accompany any request for licencing of the proposed development.
- 2 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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. **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.

4. **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.

5. **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.

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan* 1989) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

- | | |
|--|-------------------------|
| 1. Necessary | 2. Relevant to planning |
| 3. Relevant to the development permitted | 4. Reasonable |
| 5. Precise | 6. Enforceable |

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer’s Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction and Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyard or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004

Supreme Court Decision 16 October 2017

CPRE Kent (Respondent) v China Gateway International Limited (Appellant).

This decision affects the Planning Committee process and needs to be acknowledged for future reference when making decisions to approve permission contrary to the officer recommendations.

For formal recording in the minutes of the meeting, when the Committee comes to a decision contrary to the officer recommendation, the Committee must specify:

- Full reasons for concluding its view,
- The various issues considered,
- The weight given to each factor and
- The logic for reaching the conclusion.

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.

