



The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

Item No: 7.3

Application: 213463

Applicant: Balcerne Gate Properties Ltd

Agent: Mr Steve Norman

Proposal: Change of Use from Offices to Student Accommodation

Location: Unsworth House & Josephs Court, Hythe Quay, Colchester, CO2 8JF

Ward: Old Heath & The Hythe

Officer: John Miles

Recommendation: Approval subject to conditions and securing the necessary RAMS contribution prior to decision issue

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because a director of the applicant company is a spouse of a member of Colchester Borough Council staff.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the development, design and heritage impacts, impacts on neighbouring amenity, occupier amenity, flood risk, parking and highways matters. These matters have been considered alongside planning policy requirements and other material matters, leading to the application being subsequently recommended for approval.
- 2.2 The report describes the site and its context, the proposal itself, and the consultation responses received. Material planning considerations are then reviewed together with issues raised in representations.

3.0 Site Description and Context

- 3.1 The site is accessed off Hythe Quay via a private driveway. There are two buildings on site, single storey Josephs Court to the north of the site and two-storey Unsworth House to the west. Josephs Court is a flat roofed building, with a render finish, while Unsworth House is constructed in red brick, under a tiled roof. The two buildings are arranged around an existing car parking area, and a small landscaped area, primarily laid to lawn. A number of listed buildings are situated in the vicinity of the site, including 8 Hythe Quay to the east and 89-90, 93, 95-96, 97 and 98-99 Hythe Hill to the North, however the application buildings themselves are of no particular historical or architectural interest. The site is in Flood Zone 2/3.

4.0 Description of the Proposal

- 4.1 The application has been revised over the course of its determination, with it now sought the units are used specifically as student accommodation (*sui generis*). The proposed floor plans have also been amended, with one unit on the ground floor of Unsworth House now omitted and a communal living area in its place. As revised, the proposal includes 11 units. External works are limited to minor alterations to existing fenestration and some minor external remodelling to the front elevation of Unsworth House.

5.0 Land Use Allocation

- 5.1 The site lies within an area comprising a mix of commercial and residential land uses. The site is also partly within the Hythe Conservation Area.

6.0 Relevant Planning History

- 6.1 The application follows 210312, an application for prior approval for the conversion of the two buildings on site to six flats. Prior approval was granted

in May 2021 however it is understood that this permission has currently not been implemented, although it remains extant.

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 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP5 Employment
- SP7 Place Shaping Principles

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

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

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

7.3 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
CE2 - Mixed Use Centres
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 Behavior
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

- 7.4 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
 - DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - DP14 Historic Environment Assets
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP19 Parking Standards
 - DP20 Flood Risk and Management of Surface Water Drainage
- 7.5 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

7.6 The site is not in an area covered by a Neighbourhood plan.

- 7.7 Submission Colchester Borough Local Plan 2017-2033:
- The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo full and final examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

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

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

- 7.8 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
Managing Archaeology in Development.

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 Archaeological Advisor:

No archaeological issues.

8.3 Environment Agency

At the time of writing no comments received.

8.4 Environmental Protection:

Based on the information available to Environmental Protection, it would appear that this site could be made suitable for the proposed use. A condition covering the reporting of unexpected contamination is recommended, alongside an informative relating to the applicant's obligations under The Control of Asbestos Regulations 2012.

8.5 Essex Country Fire and Rescue

No objections – advice given regarding building regulations, water supplies and sprinklers.

8.6 Highway Authority

No objections – conditions recommended regarding the provision of cycle parking and the distribution of public transport facility information.

8.7 Historic Buildings and Areas Officer

No objections.

8.8 Natural England

No objection subject to securing appropriate mitigation.

8.9 Private Sector Housing

No objections to the proposal as a whole although concerns raised regarding the size of each unit with regards to DCLG's space standards.

9.0 Parish Council Response

9.1 The site is in a non-parished area.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. Consultations exercises resulted in two objections from neighbouring properties, the full text of which are available on the Council's website. However, a summary of the material considerations is given below:

- Noise and disturbance/ loss of amenity
- Removal of a tree on site
- Consideration of potential impact on the Conservation Area.

10.2 Alderman Theresa Higgins has also commented on the application and has raised the issues as to whether the cycle parking proposed is secure.

11.0 Parking Provision

11.1 The scheme provides 5 parking spaces, and the proposed site plan details the inclusion of a further 12 cycle parking spaces.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In terms of the proposal, the scheme is capable of providing a step free access to the ground floor units and the communal living area is also located at ground floor level. Based on the submitted information, the scheme is not considered to cause discrimination in terms of The Equality Act.

13.0 Open Space Provisions

13.1 The proposal falls below the threshold for requiring open space provisions.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team. While a Unilateral Undertaking would normally be sought to secure proportionate financial contribution towards community and leisure contributions, it is not considered seeking such contributions would be justified in this instance with there an extant permission in place for residential development on the site, under which there was no mechanism to seek such contributions. There is also no net increase in the contributions that would be due under the now proposed scheme, compared to those for the previous scheme, should there have been a mechanism to secure such. The application has agreed to make a proportionate RAMS mitigation contribution.

16.0 Environmental and Carbon Implications

16.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application is considered to represent sustainable development (see paragraph 17.4 of the main report).

17.0 Report

The main issues in this case are considered in turn below:

Principle

17.1 In terms of the principle of development, Core Strategy Policies SD1 and H1 (in so far they remain relevant) seeks to locate growth at the most accessible and sustainable locations, in accordance with the settlement hierarchy. Section 1 Policy SP3 states existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period and development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

- 17.2 The application site is within the settlement boundary of Colchester, in a highly sustainably location, close to both public transport links, shops and other facilities.
- 17.3 While the site has most recently been under an employment generating use it is not within a designated employment zone. With regards to the principle of the development it is further noted the principle of a residential use of the site has been established through extant planning permission 210312.
- 17.4 Taking into account the above, the proposal is considered acceptable in principle.

Design and Heritage Impacts

- 17.5 Core Strategy policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context. Development Policy DP14 seeks to protect, preserve and enhance the historic environment. Section 1 Policy SP7 further states that all new development should respond positively to local character and protect and enhance assets of historical value.
- 17.6 According to Planning (Listed Buildings and Conservation Areas) Act (1990), Section 66(1) and 72(1), planning decisions shall have special regard to the desirability of preserving listed buildings and their setting and the desirability of preserving or enhancing the character or appearance of Conservation Areas. At the same time, the National Planning Policy Framework's (2021) Paragraph 200 determines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 17.7 The proposal includes external works, however the works proposed are minor in nature, being limited to alterations to existing fenestration and the application of cedar cladding to the front elevation of Unsworth House. The proposed new openings are sympathetic to the existing buildings in terms of their form and proportions and while the proposed cedar cladding is arguably of a more contemporary character than the existing building, its application is relatively limited and it is not considered to have any adverse impact on the character or appearance of the existing building.
- 17.8 The existing buildings do not have any historic or architectural merit and are neutral contributors to the character and appearance of the Conservation Area and the setting of nearby listed buildings. With the proposed limited external changes not affecting the character of the buildings or altering their contribution to their surroundings, there are also no concerns from a heritage perspective and the scheme is held to meet the statutory test for the preservation or enhancement of the Conservation Area, listed buildings, and their settings.

Neighbouring Amenity

- 17.9 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. This policy is further supported by Section 1 Policy SP7, which requires all new development to protect the amenity of existing residents. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 17.10 With regard to overlooking it is worth noting that the site is in a dense urban area, where a degree of mutual overlooking is to be reasonably expected. Notwithstanding this it is not considered the proposal will result in any harmful overlooking, with there a good degree of separation between the first floor windows of Unsworth House and the dwelling's fronting Hythe Hill. In this regard it is also worth noting that the form of openings proposed and the internal layout of this scheme is not considered materially different to the previous approval in terms of the potential for any angles of overlooking, or the nature or intensity of such.
- 17.11 Taking into account the relatively small scale nature of the development and the physical and functional relationship of the building to neighbouring properties it is also not anticipated the proposal will give rise to any undue noise or disturbance that would be harmful to neighbouring amenity.
- 17.12 Taking into account the nature of the proposed works there are also no concerns the proposal will have any adverse impact on neighbouring properties with regards to loss of light or outlook.

Occupier Amenity

- 17.13 Core Strategy Policy UR2 provides that the Borough Council will secure high quality and inclusive design in all developments to make better places for both residents and visitors. Development Policy DP1 states that all development must be designed to a high standard, while DP12 states that that residential development will be guided by high standards for design and layout, including providing acceptable levels of daylight to all habitable rooms. Section 1 Policy SP7 further requires all new development to protect the amenity of future residents.
- 17.14 All habitable rooms are served by at least one external opening and it is considered the internal layout and form of openings proposed will ensure adequate levels of natural light to all habitable rooms.
- 17.15 It is noted that room 8 and room 9 are to receive natural light via rooflights, with only high level outlook. In addition to this it is noted that some concerns have also been raised by Private Sector Housing about the room sizes falling below national standards.

- 17.16 With regards to the issue of the outlook of rooms 8 and 9 it is however noted that the internal layout of Josephs Court provides these rooms with easy access to a shared kitchen/living area with two windows providing a southerly outlook over the proposed amenity area. Furthermore, with regards to the both the above issues, but most significantly with regards to room size, it is important to note that the occupation of the accommodation is proposed to be limited to students and the applicant has agreed a condition to this effect. This is considered significant as it is recognised that student accommodation is often more compact than traditional open market housing, reflecting the common needs of students and the more transient nature of occupation.
- 17.17 The proposal has also been revised since first submitted to provide a communal living area on the ground floor of Unsworth House, for the benefit of the amenity of future occupiers.
- 17.18 The proposal also includes a formal external amenity space of around 60m², in addition to the site being in close proximity to a number of local amenities, including Old Heath Recreation Ground.
- 17.19 Taking into account all the above factors, the proposed development is considered to provide acceptable levels of amenity for the intended future occupiers, on balance.

Flood risk

- 17.20 With regards to flood risk on site the submitted Flood Risk Assessment details that Josephs Court is located within Flood Zone 2 and 1, while Unsworth House is located in Flood Zone 3 and 2 - although the site is in an area benefiting from flood defences.
- 17.21 National policy on meeting the challenge of climate change, flooding and coastal change is contained in the National Planning Policy Framework (the Framework). Paragraph 155 of the Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and that development will normally be directed towards areas with a lower risk of flooding through the application of the Sequential Tests and subsequently where applicable the Exception Test.
- 17.22 Applications for minor development and changes of use should not however be subject to the Sequential or Exception Tests. Paragraph 164 of the NPPF (2019) states 'Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments'. Paragraph 033 (Reference ID: 7-033-20140306) of the PPG reiterates that the Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).

- 17.23 Acceptability of the proposal is therefore considered to hinge on the Flood Risk Assessment submitted and that this document provides sufficient analysis of the risk and is able to demonstrate the development can be made appropriately flood resistant and resilient, any residual risk can be safely managed and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 17.24 Notably finished ground floor levels have been proposed at a minimum of 4m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change and therefore dry in this event. In addition, the site benefits from the presence of existing flood defences and the actual risk is considered to be low.
- 17.25 Whilst a degree of residual risk remains from extreme events and potential breach events it is considered the low level of residual risk can be mitigated by the production of a standalone Flood Warning and Evacuation Emergency Plan, in accordance with the recommendations made in the submitted Flood Risk Assessment. The production of such a document, in addition to ensuring copies are made available in perpetuity for future occupiers of the development, can be controlled by way of condition.
- 17.26 While the Environment Agency have not offered comment on this application they did comment on the previous approval for residential accommodation on the site, raising no objections. The scheme considered here does have differences from the previously approved scheme however it is not considered there is any material difference in terms of flood risk to future occupiers taking into account the accommodation proposed, and with finished floor levels set no lower than previously approved.
- 17.27 Taking into account the above the proposal is considered acceptable with regards to flood risk.

Ecology

- 17.28 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. Development Plan Document 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. Conserving and enhancing the natural environment is also a core principle of the NPPF.
- 17.29 In this instance, the proposal has been considered in line with Natural England's Standing Advice. The application site is not considered to be a suitable habitat for protected species given the urban location and any areas of soft landscaping being primarily regularly mown grass. As such the proposal is considered to be acceptable in this regard with no adverse ecology impacts anticipated.

Off-site impacts on Protected Areas

- 17.30 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site. Student accommodation has an impact and therefore this scheme must be assessed on that basis.
- 17.31 Population growth in Essex is likely to significantly affect Habitat Sites through increased recreational disturbance in-combination with other Local Plans. Consequently, in partnership with Natural England, the governments advisor on the natural environment, and other LPAs in Essex, Colchester Borough Council is preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. The RAMS identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance in-combination with other plans and projects. The RAMS sets out a tariff of £127.31, which applies to residential development within the Zone of Influence (Zoi).
- 17.32 The Essex Coast RAMS SPD states however it would not be appropriate to expect the RAMS tariff of (£127.30) for each unit of student accommodation. This would not be a fair and proportionate contribution. Nevertheless, Natural England has advised that there needs to be a financial contribution towards the RAMS as there is likely to be a residual effect from student accommodation development even though it will likely only be people generated disturbance rather than dog related. Natural England has advised that the tariff could be on a proportionate basis. Taking into account the guidance outlined in The Essex Coast RAMS SPD it is considered appropriate to seek a financial contribution in line with the Essex Coast RAMS but applying a conversion rate of 2.5 student accommodation units being equivalent to a unit of residential accommodation, to ensure a fair and proportionate contribution.
- 17.33 In accordance with the Habitats Regulations a Habitats Regulation Assessment has been undertaken and concludes that subject to a proportionate financial contribution being secured in line with the Essex Coast RAMS and adopting the conversion rate outlined, the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Natural England have been consulted and raised no objection to the proposal - including the conversion rate outlined – subject to securing appropriate mitigation. Applying the relevant conversion rate, a contribution figure of £560.12 is calculated and delegated authority is sought to oversee the securing of such a contribution via an appropriate mechanism.

Parking and Highways Safety

- 17.34 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Policy DP19 states that a lower standard of parking provision may be acceptable where it can be demonstrated that there is a high level of access to services. The NPPF focuses on the importance of providing new development in accessible and sustainable locations so that it minimizes reliance on the private car. The NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impacts of development are severe upon the network or there would be an unacceptable impact on highway safety.
- 17.35 The Highway Authority has assessed the scheme and are satisfied that the scheme is acceptable in highway safety terms subject to conditions.
- 17.36 While there is no specific parking standard for student accommodation it is considered reasonable to assume that car ownership amongst students will be proportionally lower than in the general population. The site is also in a highly accessible location, in walking distance to essential services, in addition to being in a location with easy access to a number of bus routes and in this context the proposed 5 parking spaces are considered adequate.
- 17.37 Cycle parking has been proposed and the site is capable of comfortably accommodating suitable cycle parking provisions. To ensure that any cycle parking provisions are secure, convenient and covered it is recommended an appropriately worded condition is imposed requiring exact details to be submitted for agreement, and provisions thereafter made in accordance with details agreed.
- 17.38 In conclusion on the above, there are no concerns from a highways safety or capacity perspective and the proposal is considered to make suitable provision for car parking, while appropriate cycle parking can be secured by condition.

Climate Emergency

- 17.39 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.
- 17.40 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF.

- 17.41 It is important to consider how this application will contribute to a low carbon future for the area. The site is in a highly accessible location, in a position ideal for walking and cycling be that to local shops and services. The scheme also provides the reuse of existing buildings with embodied carbon and a good level of cycle parking, and the provision of EV charging facilities on-site to facilitate the uptake of ultra-low emission vehicles can be controlled by way of condition. Taken as a whole, it is considered the scheme contributes towards the Council's low carbon aims and the development comprises sustainable development.

Other Matters

- 17.42 Concerns have been raised in representations received about the removal of a tree on site. It is understood that the removal of this tree was granted approval under works to trees in a conservation area application 212630. The decision granted permission for the removal of two trees due to ivy take over and one tree causing damage to a wall, and cracking to a building.
- 17.43 The proposal site lies within an area of archaeological interest and accordingly the Council's Archaeological Advisor was consulted on the proposal. The Archaeological Advisor was however satisfied that no material harm will be caused to below-ground archaeological interest and there will be no requirement for an archaeological investigation.

18.0 Conclusion and Planning Balance

- 18.1 To summarise, the scheme will bring a vacant building back into use, on a site which is sustainably located, close to key facilities including shops and transports nodes. The scheme will also contribute to the Council's land supply and will help meet the ever-growing demand for student accommodation. The scheme is considered to preserve neighbouring amenity, while ensuring acceptable levels of amenity for future occupiers and any residual flood risk is appropriately managed. The scheme will also not adversely affect the character and appearance of the Conservation Area or the setting of neighbouring listed buildings. The scheme is therefore held to meet the social, economic and environmental roles of sustainable development as set out in the NPPF 2021. Officers consider that the Planning Balance convincingly tips in favour of approval in this instance.

19.0 Recommendation to the Committee

19.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to a proportionate financial contribution to the Essex Coast RAMS being secured and the imposition of 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 – To Accord with Approved Plans

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

21-04/UH&JC_THAP REV D

21-04/JC_FP_PROP REV E

21-04/UH_FF_PROP REV F

21-04/UH_GF_PROP REV G

21-04/UH_ELF_PROP REV B

21-04/UH_ELR_PROP REV A

21-04/UH_ELS_PROP REV A

and the submitted Flood Risk Assessment (Ref: REF: 2615/RE/12-20/01 REVISION A, Dated: March 2021).

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved and in the interests of the safety of any future occupiers, with the site in an area at risk of flooding.

3. Non Standard Condition - Use

The development hereby approved is to be used as sui generis student accommodation only and for no other purpose. Occupation shall be restricted to university students, or students of other tertiary institutions, whilst undertaking studies at their respective institutions.

Reason: For the avoidance of doubt as to the scope of the permission, as this is the basis on which the application has been considered and as unrestricted occupation or use of the accommodation in the form proposed would likely not be acceptable and would require further consideration at such a time as it may be proposed.

4. Non Standard Condition - Cycle Parking

Prior to the first occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants and visitors to that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

5. Non Standard Condition - EV Charging

Prior to the first occupation of the proposed development EV charging point infrastructure shall be provided to serve the development, in accordance with a scheme which shall have previously been submitted to, and approved in writing by, the Local Planning Authority. A minimum of 1 charging point should be provided.

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

6. Non Standard Condition - Public Transport Information

The development shall not be occupied until such time as details of public transport facilities (timetables and locations of bus stops etc), walking and cycling being prominently displayed in public or communal areas and regularly updated and maintained in perpetuity within the site, which shall be approved by Local Planning Authority.

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

7. Non Standard Condition - Flood Plan

Prior to the first occupation of the development hereby approved a proportionate standalone Flood Warning and Evacuation Emergency Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The submitted Emergency Plan shall be in accordance with the relevant recommendations made in the submitted Flood Risk Assessment and copies shall remain available in perpetuity for future occupiers of the development.

Reason: In the interests of mitigating the impact of flood risk on the future occupants of the student accommodation

8. Non Standard Condition - Unexpected Contamination

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 all relevant, current, best practice guidance,

including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

Reason: Not all of the site was accessible during a previous site walkover.

19.0 Informatives

19.1 The following informatives are also recommended:

1.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.

2.Informative - Asbestos in Existing Buildings

In accordance with the applicant's obligations under The Control of Asbestos Regulations 2012, prior to undertaking the permitted development works, an appropriate refurbishment/pre-demolition asbestos survey should be undertaken, by suitable qualified and experienced persons, and any relevant identified material managed, removed safely, and appropriately disposed of at a suitable waste acceptance facility. The enforcing authority for this type of work is the Health and Safety Executive and it is recommended that you contact them directly to discuss their requirements.

Reason – Environmental Protection wish to ensure that no new contamination pathways are created by the proposed development.

3.Informative - Fire Safety

Water Supplies

The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk

to life, business continuity and limit the impact of fire on the environment and to the local economy.

4. Informative - Highways

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 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT