



**Application No:** 152814

**Location:** University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

**Scale (approx):** 1:1250

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**7.8 Case Officer: Lucy Mondon      Due Date: 04/07/2016**

**MAJOR**

**Site:                      University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ**

**Application No: 152814**

**Date Received: 6 January 2016**

**Agent:                      Mr Lee Batten**

**Applicant:                Mr Michael Willis**

**Development:          Erection of sports centre extension to include a 3 No. basketball court sports hall (capable of conversion to 1800 spectator seating), facilities for sports therapy and human performances, classrooms, rehabilitation area, social space and bar, post-graduate study facilities and staff**

**Ward:                      Wivenhoe**

**Summary of Recommendation: Conditional 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 planning application where an objection has been received and the Officer recommendation is to approve.

## **2.0 Synopsis**

- 2.1 The key issues explored below are: principle of development; design, layout and landscaping (including impact on trees); impact on the surrounding area; impact on neighbouring amenity, biodiversity; flood risk and drainage; and highway matters.
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

## **3.0 Site Description and Context**

- 3.1 The application site is located to the south of the University of Essex campus. The site is currently made up of fenced open-air tennis courts surrounded by an area of grass and trees, with pathways that lead into the main University campus. The site is adjacent to the existing sports centre for the University and immediately north of a multi-storey car park.

- 3.2 There is an existing on-road cycle route along Boundary Road, to the south of the site, and an existing off-road cycle route along Park Road, to the east of the site.
- 3.3 There are no constraints that directly affect the site. Public Right of Way 127\_236 runs along Boundary Road, with Public Right of Way 155\_3 running to the south from Boundary Road opposite the multi-storey car park. There is a local Wildlife Site to the west and north-east of the site, 164 metres and 102 metres away respectively, and the Grade II listed park and garden lies approximately 160 metres to the east. The park was listed in 1989. The listing description is highly detailed and reads as follows:

‘An old deer park, improved in 1776(80 by Richard Woods to form a landscaped park of 34ha round a country house, with the remains of a garden designed by William Andrews Nesfield between 1847-8.

## HISTORIC DEVELOPMENT

The Wivenhoe estate was owned by the Rebow family from 1733 until 1902. When Issac Lemyng Rebow died in 1734 his son, Issac Martin Rebow was only two and it was not until he was twenty-seven years of age and married that he started to build a house within the park inherited from his father. In 1758 Rebow commissioned Thomas Reynolds to design the house and seven years later employed the landscaper Richard Woods to design a new park, the laying out of which did not commence until 1776. Issac died in 1781 and was succeeded by his eldest daughter Mary Hester. Mary's husband, Francis Slater, assumed the name of Rebow when they married in 1796. Mary and Francis extended the park and commissioned Constable to make a series of drawings and a painting of the park in 1816. When Francis died in 1845 the estate passed to his son-in-law John Gurdon (who also assumed the name Rebow). John Gurdon commissioned the architect Thomas Hopper to remodel the House in 1846 and William Andrews Nesfield (1793-1881) to advise on the relocation of the coach roads and entrances and to advise on the planting of the park and the flower garden. John Gurdon died in 1870 and passed the estate, along with extensive debts, to his son Hector Gurdon Rebow, who retired away from Wivenhoe and sold the estate in 1902 to Charles Edmund Gooch. Neither C E Gooch nor his son Charles Michael made many alterations to the House or the landscape, which were occupied by the army during the both the First and the Second World War. The estate was sold by the Goochs to the University of Essex in 1964 and the western half of the park (outside the area here registered) is now covered by an extensive range of university buildings. The House, converted into a conference centre in 1977, was extended by the architect Bryan Thomas in 1986(8. A large car park has been put in below the north front. The site remains (2000) in the single ownership of the University.

## DESCRIPTION

LOCATION, AREA, BOUNDARIES, LANDFORM, SETTING Wivenhoe Park lies on the north side of Wivenhoe, in an increasingly developed area just to the south-east of Colchester. It covers c 34ha, bounded to the north by Elmstead Road, to the north-east by Colchester Road, to the south-west by the main University campus and to the south by Boundary Road. The relatively flat parkland is divided by a valley to the north-west of the House where three lakes cross the site from north-east to south-west.

**ENTRANCES AND APPROACHES** The present approach is from the west of the House, via a drive through the University campus known as Park Road. This leads off Boundary Road which marks the southern edge of the site. The mid C19 entrances are marked by small Gothic-style cottages. The West or Colchester Lodge (listed grade II) on Elmstead Road, known locally as Clingoe Hill, is shown on the Tithe map of 1838 but was given its present gothic exterior by Thomas Hopper in 1848. The line of the drive from the West Lodge was laid out in c 1837 when the park was enlarged to the west. It is no longer in use but its route across the park to the north front is still visible. The East or Wivenhoe Lodge (listed grade II) on Colchester Road is similar in style to the West Lodge. This small, octagonal, Gothic-style building is linked to the House by a short drive through the pleasure grounds.

**PRINCIPAL BUILDING** Wivenhoe House (listed grade II\*) is situated towards the eastern boundary of the park, overlooking the valley and the lakes. It is a red-brick, three-storey mansion with shaped gables and transom windows, in the Victorian Flemish style. It was built by Thomas Reynolds in 1758-61, in the deer park, and was enlarged and refaced by Thomas Hopper for John Gurdon Rebow in 1846-53. Hopper was also responsible for the stable block (listed grade II) to the north-east of the House which was constructed in matching Tudor style, now (2000) incorporating modern extensions associated with the University use.

**GARDENS AND PLEASURE GROUNDS** To the west and south of the House is a garden area, originally oval in shape, surrounded by a low brick retaining wall (listed grade II) which separates it from the flat parkland beyond. The garden was laid out in 1847-8 by W A Nesfield who also carried out some planting in the park and advised on the entrances and carriage drives, although his proposals for the latter were rejected. There have been late C20 alterations to the garden design.

**PARK** Wivenhoe Park lies to the north-west and south-east of the mansion and is well scattered with mature oaks, sweet chestnut, lime, and beech. Most of the trees date from the mid C19 and are set in grass, managed for a variety of purposes by the University. The area here registered represents the park designed and laid out by Richard Woods in 1777, the later C19 extensions having been used for the development of the University campus since the 1960s. A series of three lakes runs through the valley. The top two lakes were developed as part of Woods' landscaping, the third, on the site of the kitchen gardens, having been added by the University. A modern house was built in the 1960s on the site of Woods' bridge and dam between the top lakes. Woods designed a rubble grotto for the head of the lakes which has recently (late C20) been rebuilt in red brick. The icehouse stands close by. Woods' plan of the park is dated 1765 but the majority of the work for which he was responsible was deferred until 1776, all his work being well documented in the Rebow archives.

The painting of the park completed in 1816 by John Constable is discussed by Sir Ernst Gombrich in *Art and Illusion* (1960), and by J Clarkson and N Cox in *Constable and Wivenhoe Park* (2000).

**KITCHEN GARDEN** The site of the late C18 kitchen garden was used to create a third lake by the University since the 1960s.'

- 3.4 To the north of the site are a number of listed buildings: Wivenhoe House (Grade II\*); Stable Block (Grade II); the Terrace and Garden Wall (Grade II); and East Lodge (Grade II). The listed buildings/structures are described in the listing above, but do have their own individual listings as part of the Heritage List.
- 3.5 The site is within Flood Zone 1. Parts of the University campus are within Flood Zones 2 and 3, but these are at least 450 metres away, with the River Colne being over 750 metres away from the site. A coastal protection belt covers land to the south and west of Boundary Road, some 140 metres away from the site.

#### **4.0 Description of the Proposal**

- 4.1 The application seeks planning permission for the erection of a large sports centre extension to include a 3 No. basketball court sports hall (capable of conversion to 1800 spectator seating), facilities for sports therapy and human performances, classrooms, rehabilitation area, social space and bar, post-graduate study facilities and staff offices. The proposal would primarily be for university purposes, but would be available to the public in the same way as the existing sports facilities are.
- 4.2 The main body of the building measures 76 metres by 36.5 metres, with a height of 12 metres. It would be built on an existing area of grass containing trees and open-air tennis courts. The application was submitted without the benefit of pre-application discussions.
- 4.3 As well as the submitted drawings, the application is accompanied by a number of reports as follows:
- Design and Access Statement
  - SUDs Strategy, later revised as SUDs Strategy Version 2 (dated March 2016)
  - Renewable Energy Report
  - Travel Plan
- 4.4 The site is located in a semi-rural setting (being outside the settlement boundary of Colchester and to the countryside edge of the University Campus) and is in close vicinity to the Grade II listed Wivenhoe Park. It is therefore necessary to consider the impact of the proposal upon the immediate landscape and setting of the listed park, as well as the nearby listed buildings of Wivenhoe House and associated buildings. Following consultation, objections were received from CBC specialists: Historic Buildings and Areas Officer; Landscape Officer; and Urban Designer in respect of these impacts. Objections were also received from Essex County Council SuDs team as the drainage strategy submitted was insufficient. The Council's Arboricultural Officer confirmed that an arboricultural report was required in order to assess the impact upon retained trees (the trees being important with regards to the landscape setting). As a result of these comments, it was agreed (at a meeting on 16th February 2016) that the Applicant and Agent have the opportunity to address the issues raised by providing a necessary heritage assessment, landscape appraisal, tree reports, SuDs information, and design revisions. The following information was then submitted:
- Heritage Statement;
  - Landscape Appraisal;
  - Revised SuDs Strategy; and
  - Tree Survey, Arboricultural Implications Assessment, and Arboricultural Method Statement.

- 4.5 Following further negotiations, a landscape strategy was submitted (11th May 2016), which provides for additional planting in the vicinity of the proposed sports centre as well as planting along the boundary of the listed park and garden. Revised plans for the sports centre extension were then submitted on 26th May 2016. The revisions included changes to the external cladding of the building and changes to the design of the north-west (campus side) elevation.

## **5.0 Land Use Allocation**

- 5.1 The site is allocated for University of Essex purposes.

## **6.0 Relevant Planning History**

- 6.1 A recent planning application for covered tennis courts (152204), to replace those being lost by the sports centre extension, was approved in March 2016. A landscaping concept was agreed as part of the approval (with details being required by condition) in order to enhance the enclosure edge of the park and garden and to soften the appearance of the new courts in their more exposed location. The same strategy has been submitted as part of this proposal (Drawing No. 15425-TLP-PA02).
- 6.2 There are no other relevant planning permissions that directly affect the application site. The car parks to the south and south-west of the application site have been modified over the years to provide additional parking, including a multi-storey car park approved in 2012 (ref: 120151). The sports pavilion to the north-east of the application site, within the listed park, was granted planning permission (without conditions) in 1966 (ref: WIV/37/66). A recent application, for a 4G pitch within the listed park, was refused due to its harmful impacts upon the appearance and appreciation of the historic park (ref: 152211).

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
UR2 - Built Design and Character  
PR1 - Open Space  
PR2 - People-friendly Streets  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
ENV1 - Environment  
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP10 Tourism, Leisure and Culture  
DP14 Historic Environment Assets  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA EC7 University of Essex Expansion

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Community Facilities  
Vehicle Parking Standards  
Sustainable Construction  
Open Space, Sport and Recreation  
The Essex Design Guide  
External Materials in New Developments  
Cycling Delivery Strategy

## **8.0 Consultations**

- 8.1 Highway Authority No objection subject to a travel plan (required via condition) and informatives.
- 8.2 Anglian Water No Anglian Water assets affected and there is adequate foul drainage capacity. Recommended conditions for a drainage strategy and surface water management strategy.
- 8.3 Essex County Council Lead Local Flood Authority (SuDs)  
(following receipt of the revised SUDs Strategy)  
No objection subject to conditions: a detailed surface water drainage scheme; scheme to minimise the risk of offsite flooding; and a maintenance and management plan.
- 8.4 Natural England The proposal would not damage or destroy the interest features of Upper Colne Marshes SSSI. Impact on protected species has not been assessed - referred to standing advice. Biodiversity enhancements are encouraged (opportunities for bat roosting or bird nest boxes).

## 8.5 Urban Designer

'[The] proposals have improved following dialogue and I am now happy to support the scheme which now suitably mitigates its large massing in a sensitive landscape/conservation setting, subject to the following clarifications/amendments/conditions.'

Suggested Conditions:

- Key materials including the main cladding colour and finish (e.g. matt), main entrance cladding, bricks and frames to glazing.
- Key details including for glazing systems, how cladding will be jointed, ensuring a true curve on the main entrance cladding and for the climbing plant system.

## 8.6 Landscape Officer (following receipt of further information and amendments)

'Regarding the landscape content/aspect of the concept proposals lodged on 08.01.16, the revised Planning & Heritage Statement lodged on 24.03.16 and revised Landscape Appraisal lodged on 11.05.16:

In conclusion, there are no Planning Projects Team objections to this application on landscape grounds, [subject to conditions].'

## 8.7 Arboricultural Officer No objections subject to conditions.

## 8.8 Historic Buildings and Areas Officer No comments received.

## 8.9 Essex Gardens Trust

'[The] sports hall would be sufficiently detached from the registered landscape not to affect it. Any screening and tree planting to help soften its impact and compensate for loss of trees would be a benefit, but I note that mitigation strategies of this sort have been incorporated into the proposals.'

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## 9.0 Parish Council Response

### 9.1 Wivenhoe Town Council have objected to the proposal on the following grounds:

'There is a tree preservation order (TPO) on the trees proposed to be removed. Concern expressed with the loss of permeable land. Additionally, the loss of the view of the river from the public footpath, which is in a protection area, and this application would have a huge effect on the visual impact of Wivenhoe.'

'In policies ENV1, UR2, DP1 and DP14 it states that Colchester's natural and historic environment should be conserved and enhanced and that the development proposals must be demonstrated that they will respect and enhance the character of the site, its context and surroundings, as was applicable to the rejected 3GSports Pitch application.'

'Concerns were expressed regarding the increased amount of traffic which would occur with having such a facility.'

Further comments were received following the receipt of further information and amendments as follows:



‘[The] Town Council’s comments remain the same but with the addition that with a development of this scale the Town Council feel that Wivenhoe should benefit from s106 funding for sporting or recreational facilities within Wivenhoe.’

9.2 Officer Comments: Wivenhoe Town Council have expressed a number of concerns regarding the proposal. For clarity, these points are addressed in turn below:

- TPO trees to be removed: There are no TPO trees on site.
- Loss of permeable land: The building is proposed to be sited on existing tennis courts, which are not permeable. Although some permeable land outside the existing tennis courts would be lost, this has been assessed as not having a significantly detrimental impact upon surface water drainage, subject to an appropriate drainage scheme (to be conditioned).
- Loss of view of the river from the public footpath: There are a number of existing intervening features between the nearby footpaths and the River Colne, such as the multi-storey car park and student accommodation, including the accommodation towers. As such, the addition of the proposed building is not considered to restrict views from the footpaths.
- Effect on visual impact of Wivenhoe: The proposal is not considered to have a significant impact on views to or from Wivenhoe due to its siting amongst existing development within the University campus.
- Policies ENV1, UR2, DP1, and DP14 state that the natural and historic environment should be conserved and enhanced. The application needs to demonstrate that the proposal respects and enhances the character of the site, its context and surroundings: A number of reports have been submitted with the application that address the natural and historic environment of the site. These have been considered as part of the overall assessment of the application.
- Concern regarding the increased amount of traffic: The Highway Authority have assessed the proposal and do not have any objections in terms of traffic implications or highway safety.
- S106 funding: The development would not generate a demand on sport or recreational services in Wivenhoe as it is providing sports facilities. Therefore, the request for a financial contribution towards sports or recreational facilities in Wivenhoe cannot be justified; it does not meet the tests of the Community Infrastructure Levy Regulations 2010 as it is not necessary to make the development acceptable in planning terms.

## **10.0 Representations**

10.1 One letter of support has been received expressing the opinion that ‘this facility is desperately needed within the University of Essex’.

The full text of all of the representations received is available to view on the Council’s website.

## **11.0 Parking Provision**

11.1 The proposal does not include any car parking, but does include 10 cycle spaces which are located close to the entrance of the building.

- 11.2 The current parking standards for non-residential education developments (as per the Vehicle Parking Standards SPD) include maximum car parking standards; there is no minimum requirement. The absence of car parking does not, therefore, conflict with adopted standards.
- 11.3 In terms of cycle parking, there is a minimum requirement of 1 cycle space per 5 staff and 1 cycle space per 3 students. As the building would be available to the university as a whole, this would equate to a disproportionate number of cycle spaces (there are over 11,000 student and almost 4,000 members of staff currently). The requirement for sports halls is 10 spaces (plus 1 space per vehicle space) and this is considered to be more relevant and appropriate to the development being proposed. The 10 cycle spaces proposed accords with these cycle parking requirements and can be secured by condition.

## **12.0 Open Space Provisions**

- 12.1 There is a large sports field as part of the university campus. No additional open space is provided as part of the proposals.

## **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 Development Team and Planning Obligations**

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. Over the course of several meetings it was concluded that no planning obligations are required.

### **Matters discussed:**

- The need for a signing and lining scheme (including an extension of the 20mph zone on Boundary Road) to make it clear to motorists and cyclists that Boundary Road is a cycle route. It was ultimately determined that this could be secured via a planning condition rather than a S106 contribution as the land is entirely within the Applicant’s ownership and they can undertake the works without making a contribution to the Council. The provision of signing and lining for the cycle route along Boundary Road has therefore been required as part of the University Travel Plan (recommended condition 14);
- For the University sports facilities to be available to the general public for perpetuity via a Community Use Agreement. The University confirmed that, whilst they actively welcome and encourage public use of their facilities, they do not wish to enter into a formal agreement securing such use. In terms of the three statutory tests for planning obligations in the Community Infrastructure Levy Regulations 2010 (whether it is necessary to make the development acceptable in planning terms; directly related to the development; and whether it is fairly and reasonably related in scale and kind to the development) the Development Team determined that a Community Use Agreement would not be necessary in order to make the development acceptable in planning terms, although they were disappointed that this could not be secured. An informative is recommended to advise the Applicant that the Council would wish for public use of the facilities to be secured for perpetuity.

## 15.0 Report

- 15.1 The main planning considerations are: principle of development; design, layout and landscaping (including impact on trees); impact on the surrounding area; impact on neighbouring amenity, biodiversity; flood risk and drainage; and highway matters.
- 15.2 Principle of Development:  
Core Strategy Policy SD1 states that, 'when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework'. The University of Essex lies adjacent to, but outside, the settlement boundary of Colchester and is covered by Site Allocation Policy SA EC7, which states that permission will be granted for academic expansion within the area denoted by University Purposes on the Proposals Map provided that it relates satisfactorily to its setting on the edge of the built up area of Colchester. The policy goes on to state that proposals within the existing campus will be acceptable providing they have full regard to the landscape setting and nature conservation interests. All proposals for development will need to include the following information:
- o A Flood Risk Assessment; it should satisfy the Sequential Test and the Exceptions Test of PPS25 and provide open space to the river frontage;
  - o A comprehensive landscaping scheme;
  - o A biodiversity enhancement plan.
- 15.3 The proposal, for a sports centre and associated classrooms, is therefore acceptable in principle ('permission will be granted for academic expansion'), subject to the provisions of the site allocation policy, as well as other policy requirements and material planning considerations.
- 15.4 Design, Layout, and Landscaping (including impact on trees):  
Core Strategy 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. Development Policy DP1 states that all development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. The policy goes on to state that development proposals must demonstrate that they, and any ancillary activities associated with them, will (inter alia) respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, landscape setting, and detailed design features.
- 15.5 The proposal is for a very large building, located within an existing university campus of distinctive architectural design and in the vicinity of a listed historic park. Therefore, the visual impact of the proposal and its relationship to its setting and context is a primary consideration. The proposal has been amended during the application process, with vertical cladding, climbing plants, and an additional landscape strategy incorporated into the scheme in order to address Planning Officer comments regarding the impact and massing of the building in its immediate context.

- 15.6 In terms of the University context, the proposal would not appear out of scale or character. The sports centre would not be incompatible with the scale of existing development, being in close proximity to an existing multi storey car park of similar height and having a backdrop of the accommodation towers. The incorporation of the blue/black brick into the design of the building provides a visual connection with the brick of the existing accommodation towers, which are an iconic feature within the campus. The Council's Urban Designer has considered the proposals and has no objections to the scheme subject to conditions to establish details, such as materials and glazing systems.
- 15.7 The proposal is not considered to have an adverse impact upon the nearby historic park nor the setting of listed buildings (Wivenhoe House (Grade II\*); Stable Block (Grade II); the Terrace and Garden Wall (Grade II); and East Lodge (Grade II)). A Heritage Statement and Landscape Appraisal were submitted with the application which provided some history and further information about the park, its setting, and relevant views to and from the listed building and helped to inform the subsequent amendments to the proposal. Following receipt of this information, Essex Gardens Trust, which is a statutory consultee, as a Garden History Society, on development proposals that are likely to affect registered gardens and parks, commented that the sports hall would be sufficiently detached from the registered landscape not to affect it. In addition, the landscape strategy put forward, which incorporates planting in and around the site as well as along the park boundary with Park Road, would strengthen the enclosure edge of the park; this not only acts to soften the impact of the built form, but also improves the quality of the setting of the park which is supported. In maintaining and improving the setting of the park, any impacts upon the setting of Wivenhoe House and its associated buildings is reduced and it is not considered that the proposal would have a significantly harmful impact upon the character or setting of these buildings. Therefore, it is considered that the proposal accords with Core Strategy Policy UR2 and Development Policy DP14 which seek to enhance Colchester's unique historic character and protect any features of specific historic, archaeological, architectural or artistic interest from inappropriate development.
- 15.8 Aside from the existing tennis courts, which are hardstanding with fencing, the application site is quite heavily planted with trees, some of which are intended for removal as part of the proposed development (for clarity, there are no TPO trees in this area). A Tree Survey, Arboricultural Implications Assessment, and Arboricultural Method Statement has been submitted as part of the application and sets out tree removal and replacement. The statement confirms that the proposed development requires the loss of a number of trees of varying quality and significance in terms of the amenity they provide and their contribution to the wider University Campus. The trees are all contemporary with the development of the university and represent a series of plantings over the last 50 years. The loss of trees would be mitigated by additional planting; seventeen new standard trees are proposed in the immediate vicinity of the proposal, with more tree and shrub planting proposed alongside the open-air sports courts and along the enclosure edge of the park and garden. As concluded in the statement, the planting 'will complement the existing retained parkland trees, securing the long term large tree element of the campus for the future'. The landscape scheme and additional tree planting is considered to adequately compensate for the trees that require removal. This assessment has also taken into account that, of the trees proposed for removal (fourteen trees and two groups of trees), two Oak trees and one group of Oaks would be likely to require removal regardless of the development due to their poor condition.

- 15.9 Energy efficiency has also been considered in assessing the acceptability proposal. Core Strategy Policy ER1 sets out the Council's commitment to carbon reduction, including the promotion of efficient use of energy and resources, alongside waste minimisation and recycling. New development will be encouraged to provide over 15% of energy demand through local renewable and low carbon technology (LCT) sources, with non-residential developments being encouraged to achieve a minimum BREEAM rating of 'very good'. A Renewable Energy Report has been submitted as part of the application, with recommendations for heating, air conditioning, and energy generation (photovoltaic panels) in order to meet the 15% on-site renewable energy generation. This is considered to be very positive and can be conditioned so that the recommendations are carried out. A condition to require the development to achieve a minimum BREEAM rating of 'very good' is also recommended.
- 15.10 Impact on the Surrounding Area:  
Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The policy goes on to state that development will be supported at appropriate locations to improve public access, visual amenity and rehabilitate the natural environment.
- 15.11 The impact upon immediate setting has been discussed above. In terms of impacts on the wider area, the application site is within the University campus, amongst existing development (multi-storey car park to the south; existing sports centre to the south-west; fenced open-air sports court to the east and academic buildings further to the north). The proposal would be a large building and would by no means be obscured by existing development, but would not appear unduly prominent in its context. Views of the proposed building from the listed park and garden would be filtered by additional tree planting provided as part of the landscape strategy submitted. The visual impact of the proposal on the surrounding area is not, therefore, considered to be significant or harmful.
- 15.12 Impact on Neighbouring Amenity:  
The proposal is within the University campus and is not in close proximity to any residential dwellings. Therefore, the proposal is not considered to have a detrimental impact upon neighbouring amenity.
- 15.13 Biodiversity:  
Policy SA EC7 requires that all proposals within the University site allocation should provide a biodiversity enhancement plan. This has not been provided as part of the current planning application, but is not considered to be a reason for refusal in this case as enhancements can be secured by condition. Natural England have not expressed any concerns regarding the impact of the proposal upon the interest features of Upper Colne Marshes SSSI and have recommended that bat and/or bird nest boxes be provided as a biodiversity enhancement. The additional tree planting proposed as part of the scheme, as well as the provisions of bat and bird boxes (secured by condition) are considered to be appropriate enhancements for the biodiversity of the site.

15.14 Flood Risk and Drainage:

The site is in a Flood Zone 1, where flooding from rivers and the sea is very unlikely and there is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. As a Flood Zone 1, the site is unlikely to be susceptible to flooding and the development is not considered to pose a flood risk, subject to the conditions recommended by Essex County Council as Lead Local Flood Authority as discussed below.

15.15 Development Policy DP1 requires development proposals to incorporate any necessary infrastructure and services including, where appropriate, Sustainable Drainage Systems (SuDS), with Policy DP20 requiring all development proposals to incorporate measures for the conservation and sustainable use of water, to include appropriate SuDS for managing surface water runoff within the overall design and layout of the site and measures to conserve water within individual building designs. A SuDS strategy was submitted with the application and Essex County Council were consulted, as Lead Local Flood Authority, with regards to surface water flooding and sustainable drainage. Following receipt of a revised SuDS Strategy, there are no objections subject to conditions for a detailed surface water drainage scheme; scheme to minimise the risk of offsite flooding; and a maintenance and management plan. The conditions are considered to be appropriate in the interest of reducing surface water flood risk.

15.16 For clarity, Essex County Council have also advised that the Local Planning Authority need to take account of the availability of insurance cover as part of their assessment of development proposals. However, the availability of insurance is not a material planning consideration and has not, therefore, been considered as part of the assessment of the application.

15.17 In terms of foul drainage, Anglian Water have confirmed that no Anglian Water assets are affected by the proposal and that the foul drainage from the development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows. A drainage strategy is required (via condition) in order to determine foul flows downstream.

15.18 Highway Matters:

The Highway Authority have assessed the proposal and do not have any objections in terms of traffic implications or highway safety. A travel plan is required by condition, which will in all likelihood be an updated version of the current University travel plan to take the new development into account. The current travel plan aims to 'significantly decrease car parking demand on campus and reduce the impact of University generated traffic on the local environment, particularly in terms of congestion and carbon emission levels..... by increasing the opportunities for staff, students and other campus users to travel to campus by alternative means of transport other than private cars'. It is recommended that the Travel Plan include a scheme to promote and signpost the existing cycle route along Boundary Road, by means of signing and lining, as this is currently absent. The promotion of the cycle route would accord with Core Strategy Policies TA1 and TA2 which seek to change travel behaviour towards sustainable modes through travel plans, improvements to gateways, and by managing travel demand; walking and cycling will be promoted as an integral and highly sustainable means of transport.

In addition, Policy TA2 and Development Policy DP17 seek to enhance accessibility for sustainable modes of transport and improve the design and construction of facilities and infrastructure to make walking and cycling more attractive, direct and safe. Improving accessibility and reducing car dependence helps to improve equality, reduce congestion, and respond to the challenges of climate change and environmental sustainability. It also helps to promote an active and healthy population.

- 15.19 Improvements to the cycle route are a clear contribution to the University's aims within their travel plan and are considered to be a reasonable requirement in terms of helping to reduce demand on car travel as a result of the proposed development as well as contribute to sustainable development in accordance with the aforementioned policies.

## **16.0 Conclusion**

- 16.1 The proposal is considered to be acceptable in principle, having had regard to national and local planning policy, and is satisfactory in terms of visual impact, impact upon heritage assets, amenity, highway, ecology, and drainage and flood risk matters, subject to necessary conditions.

## **17.0 Recommendation**

APPROVE subject to the following conditions

## **18.0 Positivity Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **19.0 Conditions**

### **1 - Time Limit**

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 - 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 22302A 40 Rev D; 22302A 41 Rev D; 22302A 50 Rev D; 22302A 51 Rev D; 22302A 52 Rev D; 22302A 53 Rev D; 22302A 60 Rev D; 22302A 61 Rev D; 22302A 62 Rev D; 22302A 63 Rev D; 22302A 70 Rev D; 22302A 71 Rev D; 22302A 72 Rev A; and 22302A 73 Rev A.

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

### 3 Renewable Energy

The development hereby approved shall incorporate the recommendations at section 1.08.00 of the JSH Renewable Energy Report AC/SP/5285/RENEW Revision P2 (December 2015).

Reason: In the interests of carbon reduction and energy efficiency as part of sustainable development.

### 4 - Materials

Notwithstanding the submitted details, no works shall take place, other than groundworks and drainage works, until precise details (and samples if requested by the Local Planning Authority) of the manufacturer, types, colours and finishes of the external facing, window frames and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

### 5 - Window and Cladding Details

Notwithstanding the submitted details, no works shall take place, other than groundworks and drainage works, until details of the glazing systems, depth of window reveals, and cladding joints have been submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the approved works are carried out without detriment to the character and appearance of the building where there is insufficient information within the submitted application.

### 6 - Foul Water Strategy

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

### 7 - Surface Water Drainage Scheme

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Discharge rates must be limited to 1l/s
- Sufficient storage must be provided to manage all surface water on site up to the 1 in 100 year storm plus climate change.
- Appropriate treatment must be provided in line with the CIRIA SuDS manual (C753)

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; and to provide mitigation of any environmental harm which may be caused to the local water environment



#### 8 - Minimising risk of offsite flooding during construction

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall then be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. 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

#### 9 - Surface Water Drainage Maintenance and Management Plan

No works shall take place until a Maintenance and Management Plan (to include details of who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, as well as yearly logs of maintenance), has been submitted to and agreed, in writing, by the Local Planning Authority.

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 and to ensure they are maintained for the lifetime of the development so that they continue to function as intended to ensure mitigation against flood risk.

#### 10 - Full Landscape Proposals

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority.

The submitted landscape details shall include:

- proposed finished levels or contours;
- means of enclosure;
- 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.);
- 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.

#### 11 - Non-Residential BREEAM (Part 1 of 2)

No works shall take place until 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.

#### 12 - 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.

#### 13 - Bird and Bat Boxes

Prior to the first use of the development, precise details (to include the siting, position, type and size) of bird and bat boxes to be erected shall have been submitted to and agreed, in writing, by the Local Planning Authority. The bird and bat boxes shall be erected as approved and thereafter retained and maintained to a suitable standard. Reason: In order to enhance bird and bat habitat.

#### 14 - Landscape Management Plan

Prior to the first use 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 site.

#### 15 - Travel Plan

No occupation or use of the development shall take place until a travel plan has been submitted to and agreed, in writing, by the Local Planning Authority. The Travel Plan shall include a lining and signing scheme for the cycle route along Boundary Road. The Travel Plan shall thereafter be implemented as approved.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

#### 16 - Cycle Parking

Prior to the first occupation or use of the development hereby permitted, cycle parking for no less than 10 bicycles shall have been laid out within the site in accordance with details that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The agreed cycle parking provisions shall thereafter be maintained and made available for this use at all times.

Reason: There is insufficient detail shown to ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied.

#### 17 - External Lighting

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, including impacts upon the ecology of the area.

#### 18 - Trees and Tree Protection

The works hereby approved shall be carried out in strict accordance with The Landscape Partnership Tree Survey, Arboricultural Impact Assessment; Arboricultural Method Statement, dated March 2016.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

#### 19 - Site Clearance

Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the period between 1st March and 1st September in any given year, except when approved in writing by the Local Planning Authority.

Reason: In order to safeguard protected wildlife species and their habitats.

### 20.0 Informatives

#### (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) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

#### (3) **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. Please pay particular attention to these requirements.

(4) Landscape Guidance

Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Councils Landscape Guidance Note LIS/C @ Guidance Notes LIS/C.

(5) Community Use

The Council would wish for public use of the building to be secured for perpetuity via a Community Use Agreement and encourages the University to undertake such an agreement.