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Item No: 7.2

Application: 180057

Applicant: Bovis Homes

Proposal: Conversion of retained ex-MOD buildings on Parcel J2B, Colchester Garrison, to 2 No. commercial units and 70 No. dwellings. Minor demolition - forming of openings, to allow adaption of existing buildings.

Location: Garrison Area J2B, Circular Road North, Colchester

Ward: New Town & Christ Church

Officer: Alistair Day

Recommendation: Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because objection has been received to the application and the recommendation includes the completion of a s106 agreement.

2.0 Synopsis

- 2.1 The key issues for consideration are land use, impact on the identified heritage assets, highways, ecology and neighbouring amenity.
- 2.2 The application is subsequently recommended for a conditional approval, subject to a s106 agreement being completed, linking the development to the main garrison legal agreement.

3.0 Site Description and Context

- 3.1 The application site forms part of Area J2 of the Colchester Garrison Urban Village development. Area J2 is essentially split into two areas; the retained former garrison buildings which are the subject of the current application (known as Area J2br) and the remainder of the site which has been redeveloped for new build housing (Area J2a) and apartments (Area J2b). The application site consists of 6 development parcels and comprises 10 retained garrison buildings. The overall area of the application site is 1.56 hectares.
- 3.2 The western edge of the site is formed by the tall brick wall that previously secured the perimeter of the garrison, with Butt Road running alongside, connecting the southern suburbs to the town centre. To the north of the site is Area J1 which has been developed predominantly for housing. To the east of the site is the former garrison paddocks (Area J2b), contemporary apartments have been built on this land. The southern edge of the site is defined by the spur of Circular Road West that provides one of the main routes into the garrison by linking Butt Road to the roads around the edge of Abbey Field.
- 3.3 The site forms part of the former Regimental Cavalry Barracks that were constructed in 1862-3 and formed the earliest cavalry barracks at the Colchester Garrison. The retained buildings comprise:
- CAV 1 (The Guard House), CAV 2 (Smithy, Shoeing Shed and Armourers Shop) and CAV 3 (The Straw and Hay Store) which are set adjacent to the Butt Road garrison wall
 - CAV 4-6 (Troop stables with Soldier accommodation) which are located within the centre of the site and set parallel to each other on a north east to south west alignment;
 - CAV 7 & 8 (Soldier Quarters) which are set perpendicular to Circular Road West; and
 - Cav 10 (Sergeants' Mess and Adults and Boys School) and IC9 (Regimental Institute) are located within the interior of the site to the south of Cav 4.

- 3.4 The application site is located within the Garrison Conservation Area and the buildings Cav1-8, Cav10, the boundary wall and gate piers and IC9 are included on the Council's adopted Local List of Buildings of Architectural or Historic Interest. There are a number of mature trees within Area J2 and these are the subject to the Garrison tree preservation order.

4.0 Description of the Proposal

- 4.1 The current application seeks permission for the change of use and alteration of the retained buildings to provide 70 residential units and two commercial B1 office units.

- 4.2 The current application proposes the conversion of:

- CAV 1 into 2 no. commercial (B1) units
- CAV 2 into 2 no. houses – 1 no. x 3 bed and 1 no. 2 bed;
- CAV 3 into 2 no. houses – 2 no. x 2 bed;
- CAV 4 into 9 no houses – 4 no. 3 bed and 5 no. 4 bed;
- CAV 5 into 9 no house – 4 no. 3 bed and 5 no. 4 bed;
- CAV 6 into 17 apartments - 13 no x 2 bed and 3 no. x 1 bed;
- CAV 7 into 8 apartments – 8 no. x 2 bed;
- CAV 8 into 8 flats – 8 no. x 2 bed;
- CAV 10 into 6 houses – 6 no. x 3 bed; and
- IC9 into 8 apartments – 4 no. x 2 bed and 2 no. x 1 bed

5.0 Land Use Allocation

- 5.1 Garrison Regeneration Area - Zone C (Le Câteau and Cavalry Barracks): predominantly residential. The site forms part of the Garrison Conservation Area and a Tree Preservation Order (TPO) covers many of the trees in the area.

6.0 Relevant Planning History

- 6.1 O/COL/01/0009 - A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved in outline June 2003.
- 6.2 073112 - Reserved matters application for residential development to build 115 new dwellings and the proposed future refurbishment and conversion to residential use of CAV2 (Part) and CAV10 existing buildings – Refused 27 February 2007.

- 6.3 A planning application for the construction of the estate road on Area Jb2b was submitted in 2007 and approved on 3 September 2007.
- 6.4 In 2008 a series of individual applications were submitted by Bovis Homes for the demolition of the retained buildings. Inadequate justification was provided in support of the proposed demolition of these buildings. Bovis Homes were therefore invited to withdraw these applications rather than having them refused; the applications were withdrawn on 18 March 2008.
- 6.5 080629 - Proposed electrical substation to serve areas J1 and J2. – Approved 19 May 2009.
- 6.6 In 2009 a reserved matters planning application (ref 090244) was submitted by Bovis Homes for the erection of 122 residential new buildings. This application was refused (11 May 2009) on the grounds of poor design, its adverse impact on the character and appearance of the Garrison Conservation Area and failure to adhere to the principles of the approved MLP. A concurrent application for conservation area consent (ref +090251) for the demolition of Cav9, Cav10, Cav12 and IC9 was also refused on 11 May 2009.
- 6.7 A full application was submitted by Taylor Wimpey for the change of use of CAV 1, 3, 4-8 to create 54 no. dwellings (including 2 no. live/work units) and 2 no. commercial units at area J2B Colchester Garrison (ref 090156). A resolution to grant planning permission was made subject to the completion of a legal agreement. The legal agreement was not signed and the application was subsequently withdrawn.
- 6.8 In 2011 a reserved matters application (ref 111001) was submitted by Bovis Homes for the erection of 80 new dwellings. The layout plan for this application indicated the incorporation of Cav2, Cav10 and IC9 with the site of Cav9 being redeveloped for new housing; these buildings / sites did form part of this application. (The supporting information indicated that Cav3 and Cav10 could be converted to 16 residential units and that 12 new buildings could be built on the site of Cav9). This application was approved on 26 August 2011. A concurrent application for conservation area consent (ref 111001) for the demolition of Cav12 was also granted approval.
- 6.9 A further reserved matters planning application (ref 121613) was submitted by Bovis Homes in September 2011 for the redevelopment of Area J2B which included the demolition of buildings CAV 2, CAV 9, CAV 10 and IC9 to enable redevelopment of J2B, Colchester Garrison to proceed. This application was dismissed at appeal.
- 6.10 An application was submitted in 2016 for the redevelopment of the Cav 09 (160133) for 18 new dwellings including parking and associated amenity area. The application was approved.

7.0 Principal Policies

- 7.1 In determining the planning applications regard has to be had to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 In this case, the development plan comprises the adopted Colchester Borough Core Strategy (adopted December 2008, updated 2014), adopted Colchester Borough Development Policies (adopted October 2010, updated 2014) and the Site Allocations (adopted 2010).
- 7.3 The following policies from the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) are relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - H5 - Gypsies, Travellers, and Travelling Showpeople
 - UR1 - Regeneration Areas
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - PR2 - People-friendly Streets
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA4 - Roads and Traffic
 - TA5 - Parking
 - ENV1 - Environment

Development Policies

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

- DP1 Design and Amenity
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

Site Allocation Policies

Adopted Borough Site Allocations Policies (adopted 2010)

- SA GAR1 Development in the Garrison Area

Submission Colchester Borough Local Plan 2017-2033

In addition to the above, consideration also needs to be given to the Submission Colchester Borough Local Plan 2017-2033.

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

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

Officers have considered the weight to be attached to the Submission Colchester Borough Local Plan 2017-2033. As to the first limb, the Local Plan was submitted to the Planning Inspectorate in October 2017 and a formal examination of Part 1 was commenced in January 2018. The Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. As to the second limb, in the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan. As to the third limb, it is considered, at this stage, that the relevant policies in the emerging Local Plan do not appear to contain obvious inconsistencies with the Framework.

- 7.4 The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy.
- 7.5 There is a statutory requirement to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area - Planning (Listed Building and Conservation Areas) Act 1990.

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

- Council's Supplementary Planning Guidance for the Le Cateau and Cavalry Barracks
- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Street Services Delivery Strategy
- Planning Out Crime

8.0 Consultations

Environmental Control Officer

8.1 No objection subject to conditions to cover the following:

External noise
Communal storage areas
Light Pollution (commercial unit)
Construction Method Statement

Contamination Land Officer

8.2 A Remediation Strategy (RMS) has previously been agreed for the larger parcel, including area J2B: *Idom Merebrook, Ref. RMS-MER00228-11-84 REV B, dated 31/5/16*. This included (but is not limited to) the following:

1. 'A strong odour of creosote was identified in the westernmost part of CAV 09...It should be noted that CAV 09 is proposed for demolition. Remedial action to mitigate the risk of transmission of odours and potential risk of harm to future residents shall principally comprise the removal and disposal of affected materials during demolition.'
2. Provision of a sufficient depth of clean cover soils was deemed to be necessary for all landscaped areas, sufficient to mitigate the identified localised contamination.
3. Protected water supply pipes, specification to the satisfaction of the service provider, were required.
4. Appropriate asbestos surveys were required for existing buildings, where necessary.

Consequently, potential sources of contamination relevant to this application have already been identified, requiring mitigation and verification: it will be necessary for these matters to be conditioned if they are not covered by existing permissions.

Landscape Officer

- 8.3 The Landscape Officer has confirmed that there are no Planning Projects Team objections to this application on landscape grounds. Conditions recommended.

Arboricultural Officer

- 8.4 The Arboricultural Officer has not raised an objection to this application.

Archaeological Officer

- 8.5 The application concerns the conversion and alteration of historic buildings of the former Regimental Cavalry Barracks of Colchester Garrison (HER no. MCC10150) The Cavalry Barracks was the earliest permanent cavalry barracks at Colchester Garrison, constructed in 1862-3. This is the most complete complex of its kind in England and a rare survival.
- 8.6 In accordance with the *National Planning Policy Framework* (Paragraph 141), any planning permission granted should be the subject of planning conditions to record and advance understanding of the significance of heritage assets before they are damaged or destroyed.
- 8.7 In terms of the historic buildings, a building recording condition is required.

Housing Development Officer

- 8.8 The Housing Development Officer has not raised an objection to this application.

Urban Design Officer

- 8.9 Objection is raised primarily with regard to car parking unreasonably dominating the public realm and key historic elevations, even taking into account site constraints associated with having to work around existing buildings. Other issues relate to access and storage. A more balanced and creative approach is necessary to subtly accommodate parking in a way which also means the layout provides reasonable levels of private amenity space. For example, 90 degree parking dominates public streets and arguably the areas most striking frontages serving CAV 4 (especially), 5 and 6. It is recommended parking is relocated from in front of CA4 to the rear of CAV4 and 5. This would reduce rear amenity space for CAV4 and 5, though could be mitigated (i) for CAV4 by providing veranda style front amenity space (in addition to the balcony above) whilst also leaving room for a green verge to help showcase the elevation in its entirety, and (ii) for CAV5 by increasing the pseudo public/communal space to the front of CAV5 but which would also benefit CAV6.

Highway Authority

- 8.10 The Highway Authority (HA) has not raised an objection to this application.

Natural England

- 8.11 No objection raised to the proposed development in respect of legally protected species.

Anglian Water

- 8.12 No objection

North East Essex Clinical Commissioning Group

- 8.13 The development could generate approximately 161 residents that generally require an increased level of NHS support and subsequently increase demand upon existing constrained services.

Officer comment: the proposals form an integral part of the Garrison Urban Village development and the application will be linked back to this agreement.

Essex Police

- 8.14 The published documents have been studied and, on the basis of the information supplied, Essex Police is satisfied that the relevant considerations of Sections 58 & 69 of the NPPF have been addressed appropriately.

Lead Local Flood Authority

- 8.15 No objection

9.0 Parish Council Response

- 9.1 The site is not parished.

10.0 Representations from Notified Parties

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

- Traffic is already very heavy with limited parking.
- The proposal will to add to the parking problems.
- Indiscriminate parking will could hinder access by emergency vehicles.

- With the opening of the access road to Circular Road West, there is the danger that the roads will be used as a cut through.
- Will the proposal delay the planned adoption of this section of road arrangements for parking restrictions?
- The proposal is overdevelopment.
- The opportunity should be taken to refurbish the two pairs of wooden gates onto Butt Road. It is entirely possible that these are the original c1862 gates which should, therefore, be restored if at all possible.

Colchester Civic Society

10.2 Colchester Civic Society note that the existing road access and pedestrian access will be maintained as existing and we hope that the old barrack gates can be retained. We understand that the routes from Butt Road may be opened for pedestrians and cyclists but there seems to be no obvious reason why the gates cannot be anchored in an open position. The boundary wall and the gates are such an important historical feature of the town they should be treasured, not lost.

10.3 The stakeholders who have been consulted and who have given consultation responses are as set out above. More information may be set out on our website.

11.0 Parking Provision

11.1 See paragraph 15.37-42

12.0 Open Space Provisions

12.1 See paragraph 15.21-24

13.0 Air Quality

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

14.0 Planning Obligations

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that the application should be linked back to the main garrison legal agreement.

15.0 Report

Background Context

15.1 The Garrison Urban Village Development (ref: O/COL/01/0009) was granted outline planning permission in June 2003 and remains extant. The application site (Area J2br) forms part of this development.

- 15.2 The July 2004 Master Layout Plan (MLP) was approved in discharge of Condition 1 of the garrison outline planning approval. This plan sets out the strategic principles to be followed in the implementation of the garrison development.
- 15.3 Area J2b is identified for predominantly residential use with low key mixed us in the MLP.
- 15.4 The Council's Supplementary Planning Guidance for the Le Cateau and Cavalry Barracks identifies the stable blocks with troop accommodation over (CAV 4, 5 & 6) and the Soldiers' Quarters (CAV 7 & 8) as being suitable for conversion to residential use. The guidance suggests that CAV 1 and CAV 3 could be used for residential or small scale commercial use.
- 15.5 Site Allocations Policy GAR 1 states that mix of uses will be considered acceptable within the Garrison site and that Le Cateau and Cavalry Barracks will be predominantly residential.
- 15.6 The conversion and alteration of the retained buildings in Area J2b forms an integral part of the Garrison Urban Village development and accords with the planning principles established by the outline planning approval and the relevant policy guidance.

Heritage and Design Considerations

- 15.7 The site falls within the Colchester Garrison Conservation Area, a large conservation area (covering c.69.5 hectares). None of the buildings within the application site are listed; all of the buildings are however included on the Council's adopted Local List of Buildings of Architectural or Historic Interest.
- 15.8 The Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. CS Policy ENV1 and DPD DP14 seek to conserve and enhance Colchester's historic environment. With regard to design, CS Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 12 (paragraphs 126 to 141) of the Framework deals with conserving and enhancing the historic environment, including locally listed buildings.
- 15.9 Area J2b forms the central section of the former Cavalry Barracks which dates from 1862-64. A significant number of the original buildings survive. These buildings form a cohesive group from which it is possible to read the original layout of the barracks. Building IC9 is the former Regimental Institute and is a later addition to the complex of buildings at the Cavalry Barracks. Whilst this building has a different architectural style to the nineteenth century Cavalry Barracks buildings, it nevertheless still adds to the architectural character of the conservation area.

- 15.10 The proposed development is predetermined by the form of the existing buildings and the need to retain or restore their original architectural character and the contribution that they make to the appearance of this part of the Garrison Conservation Area. Members should also note that the proposals in relation to CAV1 and CAV 3-8 are the same as that proposed by Taylor Wimpey application 121613. The Planning Committee previously resolved to grant permission for this development, subject to the completion of a s106 agreement.
- 15.11 CAV 1 is to be converted to B1 office use. The external verandas are to be retained and refurbished and will form canopies over the respective entrances. The proposed alterations to CAV 2 and CAV3 follow the fenestration and doorways pattern of the existing openings and thereby retain the essential character of the original buildings. The proposed conversion works to CAV 4-6 also follow the existing fenestration pattern. To the front elevations of CAV 4 and 5, the existing window cills beneath the balcony are to be lowered by a single pane to improve the relationship to the room behind. On the rear elevation of these buildings, the existing windows are to be modified to create new doorways with sliding timber shutters. New glazed verandas are proposed to link groups of new door openings and improve the scale of the elevation relative to the enclosed garden spaces. With the exception of the glazed veranda, similar alteration works are proposed to CAV 6. The space between CAV 4, 5 and 6 is to be landscaped to provide areas of private amenity space and car parking. The proposed space between CAV 4 and 5 is however of a very different character to that between CAV 5 and 6. The latter space has the existing first floor balconies facing inwards on both buildings which creates the perception of the buildings fronting onto one another. This space is maintained as an open privately shared space. The space between CAV 4 and 5 is much wider and will be partially enclosed by rear garden walls. A new footpath / cycle link from north to south is to be facilitated through this space and will link the pocket park in Area J1, through Area J2 to Circular Road West. The conversion of CAV 7 and 8 utilises the extensive fenestration pattern. The scheme proposes the reinstatement of the glazed verandas to the central section of the building that face each other. The central space between the buildings will create a formal shared private amenity space. The conversion of Cav 10 and IC9 follows the fenestration pattern of the existing openings and thereby retains the essential character of the original building.
- 15.12 The boundary wall to Butt Road is to be retained along with the two existing entrances and piers. The comment made in respect of the retention of the gates to the former garrison entrances are noted and have been discussed with the developer. The pedestrian and main entrance (adjacent to CAV 1) are now proposed to be retained / repaired and will be fixed shut. The second pedestrian gate is proposed for removal to provide a pedestrian link onto Butt Road. The southern entrance gate (adjacent to Cav3) will be removed as the access is intended to serve as a pedestrian / cycle from Butt Road. In this instance, it is not feasible to retain the gates in an open position as they would obscure / cover the openings to CAV3.

- 15.13 The comments made by the Council's Urban Design Officer in respect of the potential visual impact of parked cars are appreciated. The comments made are not however cognisant of the previously agreed scheme, and the suggestions made in respect of CAV 4-6 would result in these units having significantly substandard private amenity space and would result in a potential conflict between vehicular movements and the pedestrian / cycle link. The scheme has however been amended so that the parking to the front of CAV 4 is enclosed by a brick wall; this combined with the suggested tree planting is considered sufficient to mitigate the impact of the proposed parking to the front of this building. The proposed parking to the Cav 2 and IC9 has also been amended so that it integrates more successfully with the townscape and to help to reduce the impact of parked cars on the wider street.
- 15.14 The buildings within Area J2 have been redundant since the army vacated the site and have not been actively maintained for many years. As a result of this, the buildings are showing signs of deterioration and some have been affected by vandalism. In response to the problem of vandalism, Bovis Homes has secured all of the buildings and undertakes routine inspections of the site. This situation is not sustainable and in order to secure the long-term future of these garrison buildings it is important that they find an appropriate new use. The application proposes the conversion of the locally listed buildings to residential / business use and this represents a viable end use that will secure their long future. The adopted design philosophy has been to retain as much of the original character of the buildings whilst removing unsympathetic additions. This approach is welcomed.
- 15.15 When considering the impact of a proposed development the NPPF at paragraph 132 requires that great weight should be given to the conservation of the heritage asset's significance. In this case, the designated heritage asset is the Garrison Conservation Area (which includes Area J2b and its locally listed building). Paragraph 133 deals with substantial harm to, or total loss of significance of, a designated heritage asset. It is not considered that the proposed development would result in substantial harm to the designated heritage asset. Paragraph 134 deals with less than substantial harm and indicates that any such harm should be weighed against the public benefits of the proposal. The proposed development will cause some harm to the identified heritage asset. In this instance, the benefits of the scheme include: bringing locally listed buildings back into re-use; the provision of a choice of housing types in a sustainable urban location and the economic benefits as result of construction activity and possible job creation. These benefits are considered to outweigh any harm caused to the identified heritage assets
- 15.16 For the reason given above, the application is considered to accord with the aforementioned local and national planning policies

Trees and Landscape

- 15.17 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline.
- 15.18 There are a number of existing mature trees to the south east of CAV 7 and 8 which make an important contribution to the amenity of the area. Following initial comments from the Arboriculture Planning Officer, an Arboricultural Implications Assessment was submitted. This assessment demonstrate that the proposal can be implemented whilst safeguarding the existing trees.
- 15.19 The landscape proposals build on the strategy that have been agreed as a part of the wider redevelopment of the Area J2b site. The Council's Landscape Officer has advised that he has no objection to the proposal subject to condition. Subsequent to this, a detailed landscape scheme has been submitted which is intended to overcome the need for a landscape condition. The Landscape Officer has requested further amendments and, as such, it is proposed to require the submission of a detailed landscaping scheme.
- 15.20 It is considered that the development proposals would result in a significant visual enhancement of the site in terms of hard and soft landscape and would not result in the loss of important trees. The current planning application is therefore considered to accord with CS Policy ENV1 and DPD Policies DP1 and DP21 that require development schemes to protect existing landscape features.

Private and Public Open Space Provision

- 15.21 Core Strategy Policy PR1 states that the Council aims to provide a network of open spaces and recreational opportunities that meet local community needs. Development Plan Policy DP16 states that in addition to private amenity space, all new residential development will be expected to provide new public areas of accessible strategic or local open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space.
- 15.22 Both the proposed houses and apartments are provided with areas of private amenity space. The constraints imposed by the retained buildings are such that the private amenity has had to be designed around these features. The majority of the houses are provided with a courtyard style gardens that typically range in size between 50 sq.m and 115 sq.m; the notable exception to this is CAV 3 which, due to it being built into the Butt Road wall, will not have any private amenity space. The apartment units have access to private communal amenity space; these spaces are smaller than the prescribed standards. Whilst it is accepted that not all the private amenity areas meet the adopted garden standards, it is not considered unusual for smaller gardens to be found in urban areas. The local plan text accompanying policy DP16 acknowledges that these standards are not

always helpful for producing good quality development in compact urban development.

- 15.23 In addition to the private amenity, public open space is being provided as a part of the wider Area J2 development; this accords with the 10% requirement set out in policy DP16. The proposed dwellings are also located in close proximity to Abbey Field, a major area of public open space.
- 15.24 In view of the heritage constraints of the site, its edge of centre location and the close proximity of high quality areas of public open space the proposed provision of public and private amenity space is considered acceptable. To safeguard against the loss of the private garden areas it is recommended that a condition is attached removing permitted development rights for the extension and alteration of the dwelling houses.

Ecology and Biodiversity

- 15.25 CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. DPD Policy DP21 seeks to conserve or enhance biodiversity.
- 15.26 The submitted ecology report notes that there are no habitats of national, county or local significance affected by the proposal and the only evidence of protected species relates to bats. An up to date bat survey has been submitted in support and this concludes that none of the buildings are important roosts but that there is evidence of bats using some of the buildings. A bat mitigation strategy is therefore recommended (in respect of the affected buildings).
- 15.27 The current planning application is therefore considered to accord with Core Strategy Policy ENV1, DPD Policies DP1 and DP21 and paragraph 118 of the Framework which require development proposals to conserve or enhance biodiversity interest.

Residential Amenity

- 15.28 DPD DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.29 In master planning the layout of Area J2 careful consideration was given to the juxtaposition between the retained buildings and the new housing to ensure that the private residential amenity of the various properties was safeguarded.

- 15.30 Concern has been raised by some local residents that the proposed development would have a detrimental impact on their amenity, in terms of construction noise and disturbance. It is normal planning practice for construction activities to be controlled via a condition requiring the submission of a Construction Management Plan (CMP). The CMP would also require details on the hours of construction, the erection and maintenance of security hoardings and control over the emission of dust and dirt. Environmental Protection has not raised an objection to this application, subject to the attachment of a CMP condition.
- 15.31 With regard to the impact of noise on the proposed buildings, the Noise Report notes that the site falls within Noise Exposure Category A along Butt Road and within Noise Exposure Category B along Circular Road West and Circular Road North during the day and night time periods. The report concludes that with standard double glazing the properties will achieve the recommended criteria for living rooms and bedroom. Environment Protection are in agreement with the conclusions of this report.
- 15.32 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

Transport and Accessibility

- 15.33 CS Policy TA1 – TA4 seek to improve accessibility and change travel behaviour. DPD 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. Paragraphs 29 to 41 of the NPPF provide guidance on transportation matters and state that applications should only be refused on transport grounds where the impact is severe.
- 15.34 As set out in the report, the application site forms part of the Garrison Urban Village land (ref O/COL/01/0009) and this application includes significant improvements to the local and strategic highway network, together with a financial contribution for transportation and bus services. The highway works and financial contributions are secured through the main garrison legal agreement. In this context the Highway Authority has confirmed that it is content that this application will not have a significantly detrimental effect on the local highway network in terms of capacity and/or highway safety. Following the initial consultation response, there has been a minor amendment to the layout of the proposed scheme. The Highway Authority has been re-consulted on the application and, at the time of writing the report, its updated consultation response is still awaited.

- 15.35 The layout of Area J2 was planned around the retained buildings and has been approved. A new footpath and cycle way is proposed to link Area J2 to Area J1a. The reopening of the historic entrance gates in the Butt Road boundary wall will help to integrate the garrison development with the established residential areas that lie beyond Butt Road (enabling convenient access the recreational facilities on Abbey Fields). Access to public transport is also very good with a bus stop located approximately on Circular Road West and on Butt Road.
- 15.36 Given the above, it is considered that the proposed development would accord with relevant development plan policies and national planning policy guidance set out in the Framework.

Parking

- 15.37 Policy TA5 of the CS refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.38 The adopted 2009 guidance document requires a maximum of 1 space per 30 sqm for B1 office. For residential development, the adopted guidance requires one parking space for one bedroom units and two parking spaces for each two bed or above residential unit. In addition to this, 0.25 visitor parking spaces are required per unit. The guidance also states that where development is located within the urban areas with good links to sustainable transport a lower parking standard can be considered.
- 15.39 The proposed office unit (Cav 1) is provided with 12 parking spaces, which accords with the adopted standards. A total of 111 parking spaces are proposed to serve the residential units. The proposed houses are provided with 2 parking spaces each. With regard apartment buildings, Cav 6 (comprising 3 no. one bed units and 15 no. two bed units) are provided with one space each; Cav 7 and 8 (all two bed units) are provided with one space each and have 7 visitors spaces. Building IC9 (6 no. 2 bed units and 2 no. one bed units) are each provided with two parking spaces and have two visitor spaces. In addition to the aforementioned parking provision, 11 further visitor parking spaces are proposed.
- 15.40 The objection raised to on the grounds of the 'lack' of parking and the impact the indiscriminate parking will have on the surrounding area are fully appreciated. Careful consideration has been to the proposed parking layout both to maximise the number of potential parking spaces as sympathetically as possible whilst reducing the risk of indiscriminate parking. The potential for unauthorised parking will be further managed by the introduction of formal parking control measures across the development. It is considered that an appropriate balance has been struck between need to accommodate

an appropriate level of parking to serve the development and need to ensure that car parking is not so overly dominant to detract from the heritage assets.

- 15.41 In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided. Secure cycle parking stores have been design as an integral part of this development and to ensure that an appropriate number of cycle parking spaces are provided it is proposed that a planning condition cover this matter.
- 15.42 The sensitivities surrounding parking are fully appreciated in this instance, given the site's sustainable location and the unique heritage constraints the parking provision is considered to be acceptable. The proposals are considered to accord with the Council's adopted policy and guidance.

Hydrology and Drainage

- 15.43 CS policy sets out the strategic policy approach to safeguard people and property from the risk of flooding. It seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. DPD DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.
- 15.44 The drainage arrangements for the proposed development are designed to integrate with the overall garrison drainage strategy. The LLFA has confirmed that the drainage proposals are acceptable. Anglian Water has also not raised an objection to this proposal.
- 15.45 The submitted evidence indicates that there are effective mitigation measures to avoid any increase in flood risk and, as such, the development will not conflict with the intentions of the development plan or the Framework in respect of flood risk.

Contamination

- 15.46 DPD DP1 requires all development to avoid unacceptable environmental impacts. The desk top assessment concludes that there is the potential for the site to contain contamination
- 15.47 The potential sources of contamination relevant to this application have already been identified and it has been demonstrated that, with appropriate conditions, the site is capable of development without causing any adverse risk to future residents or sensitive receptors.

S106 Matters

- 15.48 It is proposed the application is subject to a legal agreement to link this development back to the original S.299a agreement for the Garrison Urban Village.

16.0 Conclusion

- 16.1 National policy requires planning to be generally plan-led. The proposal is considered to accord with the relevant policies contained in the Council's adopted development plan and the emerging plan. The NPPF makes it plain that the purpose of the planning system is contribute to the achievement of sustainable development: paragraph 7 identifies three dimensions of sustainable development – economic, social and environmental. In respect of the first of these the current proposal provides economic benefits as a result of construction activity, continuing the regeneration of the garrison area and the possible creation of additional jobs. The social role of sustainable development is described as a supporting strong vibrant and healthy communities and by creating a high quality built environment with accessible local services. The development will deliver 70 residential units and provide a choice of housing types with a range of prices in a sustainable location. The development will therefore contribute positively towards the Borough's supply of housing. In respect of the third dimension (environment) the proposal would secure the retention and reuse of locally listed buildings which contribute to the designated heritage asset of the conservation area. There is also sufficient evidence to be confident that the overall development would not cause significant harm to flood risk, noise, pollution or will have a severe impact upon the highway network in terms of capacity / safety. It is considered that the scheme would acceptably fulfil the environmental dimension of sustainable development by preserving and enhancing the identified heritage assets and by promoting new development of a high quality design.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

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

1. ZAA - Time Limit for Full Permissions

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

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

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

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

KLH Drwg No 3934-0101 rev P03 : Proposed block plan

KLH Drwg No 3934-0303 rev P02 : Proposed floor plans for CAV 2

KLH Drwg No 3934-0305 rev P03 : Proposed floor plans and elevations for CAV 3

KLH Drwg No 3934-0307 rev P03 : Proposed floor plans for CAV 4

KLH Drwg No 3934-0309 rev P03 : Proposed floor plans for CAV 5

KLH Drwg No 3934-0311 rev P02 : Proposed floor plans for CAV 6

KLH Drwg No 3934-0313 rev P03 : Proposed floor plans for CAV 7

KLH Drwg No 3934-0315 rev P03 : Proposed floor plans for CAV 8

KLH Drwg No 3934-0317 rev P02 : Proposed floor plans for IC9

KLH Drwg No 3934-0319 rev P02 : Proposed floor plans for CAV 10

KLH Drwg No 3934-0401 rev P02 : Proposed elevations for CAV 4

KLH Drwg No 3934-0403 rev P02 : Proposed elevations for CAV 5

KLH Drwg No 3934-0405 rev P02 : Proposed elevations for CAV 6

KLH Drwg No 3934-0407 rev P03 : Proposed elevations for CAV 7

KLH Drwg No 3934-0409 rev P03 : Proposed elevations for CAV 8

KLH Drwg No 3934-0410 rev P02 : Proposed elevations for IC9

KLH Drwg No 3934-0411 rev P02 : Proposed elevations for CAV 10

KLH Drwg No 3934-0412 rev P02 : Proposed elevations for CAV 2

JBA 18-053 AIA rev A (Arboricultural Impact Assessment) dated 20 February 2018

BA Drwg No 18-053 TP01 rev A : Tree Protection Plan

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

3. Non Standard condition – Programme of building recording

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

Reason: To ensure the proper and timely investigation, recording, reporting and presentation of heritage assets affected by this development

4. Non Standard condition – Construction Method Statement

No works, including works of demolition and/or enabling works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) hours of deliveries
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development
- v) the hours of work

- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) wheel washing facilities
- viii) measures to control the emission of dust and dirt during construction
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works

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

5 ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

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

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

7 ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

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

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

8 ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

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

9 ZG3 - *Validation Certificate*

Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 6.

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

10 – Non Standard Condition – Surface Water

The surface water drainage scheme for the application site shall be carried out in accordance with the overall drainage strategy agreed for the Garrison Urban Village development (ref: O/COL/01/0009) unless otherwise agreed in writing with the Local Planning Authority.

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

11 – Non Standard Condition - Trees

The development hereby permitted shall be undertaken in accordance with the recommendations set out in the Arboricultural Impact Assessment (ref JBA 18-053 AIA AR01 REV A Garrison, Areas CAV7 and CAV8 dated 28 March 2018 and drawing no. JBA 18-053 Tree Protection Plan JBA 18/053 TP01 REV A).

Reason: To safeguard existing trees within and adjoining the site in the interest of amenity.

12 – Non Standard Condition - Trees

No works or development shall take place until a Scheme of Supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Timing and methods of site visiting and record keeping, including updates
- d. Procedures for dealing with variations and incidents.

The Scheme of Supervision shall be carried out as agreed and shall be administered by a qualified Arboricultural Consultant instructed by the applicant and approved in writing by the Local Planning Authority

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

13 – Non Standard condition - Trees

No works shall commence until all trees not scheduled for removal on the approved plans have been safeguarded behind protective fencing in accordance with BS 5837. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees and adjoining the site in the interest of amenity.

14 ZFS - Tree Protection: General

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

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

15 – Non Standard condition – Amended landscape

The landscape proposals (shown on drawing nos. JBA 17-263-01 rev B: JBA 17-263-02 rev B and JBA 17-263-03 rev B) shall be amended in accordance with the recommendations set out the Council's Landscape Officer's consultation response (ref 098/18/CON, dated 10/04/18). The amended landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved prior to the occupation of any part of the development unless an alternative implementation programme is agreed, in writing, by the Local Planning Authority.

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.

16 ZFE - Landscape Management Plan

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

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

17 – Non Standard Condition – Gates to Butt Road

A scheme for the repair and adaptation of the existing timber gates adjacent to CAV 01 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall be implemented prior to the occupation of any of the buildings that are the subject of this permission or such other timeframe as may be agreed in writing by the Local Planning Authority.

Reason: To ensure that the timber gates, which are of historic local interest, are retained and repaired in an appropriate manner.

18 – Non Standard condition – Gates to Butt Road

Prior to the occupation of CAV 3, the existing timber gates adjacent to this building shall be removed, the gate piers repaired and the link between Butt Road and the development site resurfaced in accordance with the details shown on the approved landscape drawings, which for the avoidance of doubt shall include the installation of the bollards at either end of this link.

Reason: To ensure that the site integrates with the surrounding residential area and to avoid the pedestrian / cycleway link being used by vehicular traffic, in the interest of highway safety.

19 – Non Standard condition – Car Parking

No unit shall be occupied until the car parking space(s) intended to serve that unit and any associated unallocated visitor car parking space(s) intended to serve that part of the development have been hard surfaced, sealed, marked out and made available for use to the satisfaction of the Local Planning Authority. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that each unit is provided with an appropriate parking space and that the unallocated parking space available for use by all residents and their visitors and in the interest of highway safety.

20 – Non Standard Condition – Cycle Parking

Each residential unit shall be provided with at least one secure covered cycle parking space. No unit shall be occupied until cycle parking for that unit has been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained in accordance with the agreed details

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

20 ZCE - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

22 – Non Standard Condition – Communal Storage

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

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

23 – Non Standard Condition – Travel Pack

On the first occupation of each dwelling, the residents shall be provided with Travel and Information Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority, in consultation with Essex County Council.

Reason: To promote modal shift towards more sustainable forms of transports.

24 – Non Standard Condition – 23 Footpath/cycle link

Prior to the occupation of either Cav 4 or 5, the footpath / cycleway link that runs between these buildings and connects the application site with adjacent site (between plots 68 and 69 as shown on the approved layout drawing) shall be completed in accordance with the details shown on the approved landscape drawings and shall be made available for general public use.

Reason: To ensure appropriate pedestrian and cycle connectivity between Area J1 and Area J2 of the Garrison development.

25 – Non Standard Condition - Repair

Prior to works starting on any individual building, a schedule of external repairs (including making good to parts of the building where demolitions and/or alteration works have previously been undertaken and works of repair to the existing entrance gateway and boundary wall) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved schedule of repairs.

Reason: To ensure that the repair works are undertaken in a manner that safeguards the special interest of the locally listed buildings and character and appearance of the Garrison Conservation Area.

26 – Non Standard Condition – Additional details

Notwithstanding the details submitted, additional drawings that show details of any proposed new windows, doors, shutters, grilles, cills, arches, plinths, verandas, balconies, brickwork detailing and rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, are submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: In order to ensure that the architectural detailing of the development is appropriate and to safeguard the character and appearance of the heritage assets and their setting.

27 – Non Standard Condition - Noise

The noise mitigation measures detailed the acoustic report (ref Acoustic Design Consultants ADC/7285/03R/LZ) shall be employed to ensure the noise levels inside habitable rooms do not exceed those stated in the current version of BS8233 and maximum noise levels inside habitable rooms do not exceed 45dB.

Reason: In the interest of amenity of the occupiers of the dwelling hereby permitted.

28 ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

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

29 – Non Standard Condition – Mitigation Scheme

The development shall be undertaken in accordance with the details and recommendations set out in the letter from AAE Environmental (ref 173286/JDT) dated 13 December 2018. The agreed mitigation scheme shall be fully implemented prior to the occupation of the relevant buildings and the bird and bat boxes to be installed in trees shall be installed prior to the occupation of any building. The ecological mitigation measures shall be retained in their approved form.

Reason: To ensure that adequate measures are taken to protect wildlife species.

30 ZDC - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance and to safeguard the character and appearance of heritage assets and their setting

31 – Non Standard Condition - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Part 40 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no micro-generation equipment shall be installed unless otherwise approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the character and appearance of heritage assets and their setting

32 – Non standard Condition – Commercial units

The commercial units hereby permitted shall be used for B1 office use only.

Reason: For the avoidance of doubt as the scope of this permission.

33 – Non Standard Condition – Hours of Commercial Units

Prior to the occupation of the B1 units, the hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site.

34 – Non Standard Condition - Arboricultural Method Statement

Prior to works starting on either Cav 7 or Cav 8, an arboricultural method statement (which shall include details of the reduced dig methodology) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

Reason: In the interest of safeguarding the nearby trees.

35 – Non Standard Condition – Grass Verges

Prior to the occupation of any building, a scheme to prevent indiscriminate on the grass verges to Circular Road West and/or Circular Road North (including a timeframe for its implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: In order to secure a satisfactory form of development, to reduce the potential for parked cars detracting from the character and appearance of the conservation area and to prevent damage to existing trees.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

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

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

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

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