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Item No: 7.1

Application: 180045

Applicant: Mr Matthew Parsons. Persimmon Homes

Proposal: Demolish all existing buildings and redevelop the site, creating 262 no. one, two and three bedroom houses and apartments plus associated roads, car parking, landscaping and public open space.

Location: Cowdray Centre, Mason Road, Colchester, CO1 1BH

Ward: Castle

Officer: Lucy Mondon

Recommendation: Approve Subject to Legal Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it constitutes major development where a s.106 legal agreement is required and also because objections have been received.

2.0 Synopsis

- 2.1 The application seeks planning permission for the redevelopment of a brownfield site and existing business premises for 262 dwellings and associated landscaping, open space, parking and highway infrastructure. The report describes the site and its setting, details of the proposal, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.2 The key issues explored below are the principle of development, landscape impact (including the impact on trees), traffic and highway implications; noise; contamination; flood risk; ecology; and archaeology. Impact on neighbouring amenity and the surrounding area will also be assessed, as will the impact upon existing businesses. Matters surrounding the viability of the scheme will also be addressed in so far as they relate to necessary planning contributions towards infrastructure.
- 2.3 Following an assessment of all material planning considerations the application is subsequently recommended for approval subject to prior completion of a legal agreement.

3.0 Site Description and Context

- 3.1 The application site forms part of Cowdray Trade Park, a trade and industrial park with commercial units, located to the north of the town centre (town centre fringe) accessed off Cowdray Avenue. The Cowdray Trade Park site as a whole is within a Regeneration Area and is allocated for mixed use development (Site Allocation policies SA CE1 and SA TC1) in the Local Plan.
- 3.2 The site originally contained a large printing factory (from c.1938), which was extended and subsequently divided into individual units. Following a fire in 2006, the majority of the building was demolished and its site has remained vacant. The area of demolition is now fenced off with solid hoardings. The existing building to the eastern part of the site formed part of the previous factory, but has remained in use and contained, until recently, a variety of existing business units. These included (but were not limited to) a motorcycle MOT shop; dance studio; a triathlon store; and guitar shop. As of December 2018 the vacancy rate was over 60%, with an expectation that this would rise to 80% in the early part of 2019.
- 3.3 There is a Local Wildlife Site to the north-western corner of the site, which is overgrown.

- 3.4 The remainder of the Cowdray Trade Park lies to the west and south of the application site and does not form part of the planning application. The trade park as a whole measures approximately 10.19 ha, with the application site measuring 5.10 ha.
- 3.5 Beyond the confines of the site and the trade park is the Lookers Volvo car servicing and sales building (to the east), with Colne View Retail Park beyond. Highwoods Country Park lies immediately north of the site. The site is separated from the country park by a railway track, although there is a public footpath (Public Right of Way 73) under the track that enables access. The footpath also enables access to Turner Rise Retail Park and North Station railway station (as Public Right of Way 224). There is also a Public Right of Way on the southern side of the railway track that leads from the site to the North Station railway station (Public Right of Way 53). This footpath is allocated as a Green Link within the Local Plan, with the green link extending Public Right of Way 73 into Highwoods Country Park. The railway track runs along the northern boundary of the site in its entirety and is significantly elevated, particularly at the eastern end of the site (approximately 5-7 metres height difference). Other facilities, such as Leisure World and allotments, lie to the south of the site across Cowdray Avenue.
- 3.6 There are residential properties in close proximity to the site. Those closest are a linear development of 1930s houses running along part of the southern boundary on Cowdray Avenue. The rear boundary of these properties forms the boundary of the site and comprises a mix of fencing and walls, some of which are overgrown. There is also more recent residential development at Clarendon Way, Bloyes Mews, Gilbert Court, and Imperial Court to the west of the trade park.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for 262 dwellings, with associated road, car parking, landscaping and public open space. The unit mix is as follows:

One-Bed Apartments	x	4
Two-Bed Apartments	x	171
One-Bed Houses	x	14
Two-Bed Houses	x	14
Three-Bed Houses	x	59

- 4.2 The proposal has undergone a number of full revisions in response to planning comments. For clarity, the original submission was made in January 2018 with revised proposals being submitted in August 2018, November 2018, January 2019, and finally March 2019. The number of units proposed has varied throughout the course of the revisions; the original proposal was for 272 dwellings which reduced to 262 dwellings before increasing to 265 dwellings and then finally reverting back to 262 dwellings. The various reports submitted with the application were updated when the unit numbers were initially reduced; they have not been updated as part of the latest revision given that the number of dwellings is still below the 272 dwellings originally proposed.
- 4.3 In addition to the plans and drawings detailing the proposal, supporting documents include:
- Air Quality Assessment
 - Arboricultural Impact Assessment
 - Archaeological Desk Based Assessment
 - Biodiversity Toolkit Validation Checklist
 - Design and Access Statement
 - Drainage Strategy
 - Ecological Survey and Assessment
 - Flood Risk Assessment
 - Ground Investigation Report
 - Habitats Regulations Assessment
 - Health Impact Assessment
 - Landscape Strategy
 - Noise Assessment
 - Noise and Vibration Assessment
 - Planning Statement
 - Preliminary Ecological Assessment
 - Statement of Community Involvement
 - SUDS and Drainage Report
 - Sustainability and Energy Statement
 - Townscape and Visual Impact Assessment
 - Transport Assessment
 - Travel Plan (Draft)

5.0 Land Use Allocation

- 5.1 The site is within the Town Centre and North Station Regeneration Area and is allocated (as part of the whole Cowdray Trade Park site) for mixed use development within the Local Plan. Site Allocation Policies SA CE1 and SA TC1 are relevant.
- 5.2 Site Allocation Policy SA TC1 states that the Cowdray Centre ‘should provide a range of uses within the categories of retail, residential, leisure, hotel, and employment. The residential element shall comprise no more than 50% of the site area and existing businesses will be encouraged to remain.’ The policy goes on to state that ‘development of the site should also deliver improved connectivity to the Town Centre and North Station for vehicles (especially

public transport), pedestrians and cyclists; and a green link between Highwoods Country Park and Leisure World/Castle Park. In addition land should be safeguarded for a potential future vehicular link under the railway to Turner Rise.'

6.0 Relevant Planning History

6.1 Outline Permission was granted for up to 154 dwellings and up to 2,517sqm B1 and/or D1 floorspace, with associated access, roads and paths, car parking and servicing, open space and landscaping in August 2016 (ref: 151850). The current application covers the same part of the site which accommodated the residential element of the outline permission, but is a standalone planning application (i.e. it is not a reserved matters application that provides detail in relation to the outline). The outline permission was subject to a number of conditions, and a s106 Agreement that secured financial contributions for Affordable Housing, Education, Open Space, Sport, and Recreation, and Community Facilities subject to a Viability Review (as the proposal was demonstrated to be unviable dependent upon built costs, remediation costs, and market sales).

6.2 Previous planning applications relating to redevelopment of the site include:

81/0579 - Outline application APPROVED for warehouse and industrial development (not more than 113,000 sq.ft. industrial) with ancillary office, circulation road, car parking and service facilities. 15th June 1981;

O/COL/01/0449 – Outline application for redevelopment of redundant warehouse (former Ozalid Works Site and adjoining land) to retail warehouse and employment development. Approved subject to legal agreement, but subsequently CLOSED due to lack of progress.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- CE1 - Centres and Employment Classification and Hierarchy
- CE2 - Mixed Use Centres

- CE2a - Town Centre
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- 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
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure levy
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP12 Dwelling Standards
- 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

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

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

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

- Archaeology and Development Strategy
- Sustainable Drainage Systems Design Guide
- Street Services
- Planning Out Crime

7.6 Submission Colchester Borough Local Plan 2017-2033:

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

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

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

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

8.0 Consultations

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

8.2 Anglian Water:

Confirmation that the foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows. Recommended conditions to establish a phasing plan (to ensure that the development is phased to avoid an adverse impact on drainage infrastructure) and to secure a surface water management strategy (to prevent environmental and amenity problems arising from flooding). Additional advice for developer with regards to Anglian Water assets and procedure for serving notice.

8.3 Arboricultural Officer:

In agreement with the Arboricultural Impact Assessment submitted. The proposal does require the removal of vegetation within the site, but this is acceptable as the vegetation is only of moderate value at best. The proposal does affect trees situated off site within the rear gardens of adjacent properties and development in these locations would create a conflict. Following further revisions from the Applicant to omit the units immediately adjacent neighbouring trees the Arboricultural Officer has confirmed that this has resolved the issue in terms of direct conflict with the trees, although comment that overshadowing

may still occur from the trees to the new gardens. Recommended conditions to make the Arboricultural Impact Assessment an approved document and secure tree protection measures.

8.4 Archaeological Adviser:

This proposal is located in an area of archaeological interest, defined in the Historic Environment Record, adjacent to the site of a Roman cremation cemetery (HER no. MON793). There is high potential for encountering buried archaeological remains (and potentially further burials) at this location, given the proximity to known remains. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8.5 Building Control:

No comments received.

8.6 Cadent Gas:

Request that the Plant Protection team be notified of the planning decision. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

8.7 Colchester Travel Plan Club:

Comment that the development must be designed to allow walkers and cyclist suitable access through the site and linking the site to the cycle route NCN1. Strongly support the provision of a car club on site with at least two spaces and two cars to give home buyers the option of reducing their car ownership. The Travel Plan should include more information about how the car club and sustainable travel options will be marketed to potential home buyers as a positive lifestyle choice. Specific comments on the following:

1. The current kink in the shared use path along the western boundary of the site is designed out to provide straight access to the tunnel under the railway
2. That there is a clear line of visibility through the tunnel to overcome concerns for safety.
3. Consideration be given to a more direct link through the development from Cowdray Avenue to the underpass tunnel, and from the PROW which links Station Way to the development through the development to join a potential eastbound route through to the NCR1

4. The development's design should allow for a north – south route linking directly to Cowdray Avenue, should land become available to allow this link.
5. If a shared use cycle/pedestrian path is recommended by the Highway Authority within the site and on Mason Road as far as Cowdray Avenue to the underpass then a minimum of 4.0m wide running north south, with raised platforms at road crossings to give priority to pedestrians and cyclists
6. Work with Network Rail to allow permissive rights to for cyclists along the PROW to and including the underpass, as well as the westbound PROW to Station Way.
7. That provision is made for secure cycle parking on the site.
8. Developers funds be secured to allow the PROW to be upgraded (west to Station Way and north under the rail line to join the existing cycling and walking network)

8.8 Contaminated Land Officer:

The Brown2Green 'Phase 1 Geo-Environmental Desk Study and Additional Gas Monitoring Report, Ref. 1788/Rpt 1v1 (Final), dated January 2018' is satisfactory as a preliminary assessment of potential contamination risks. Advisory comments for the Developer, as to Colchester Borough Council expectations, and recommended conditions for contamination investigation and remediation as necessary.

8.9 Environmental Protection:

The site layout has been revised to protect bedrooms from railway noise at night and living rooms from nearby industrial noise during the day, although it is still necessary to impose a condition to secure mitigation measures (enhanced passive ventilation, noise attenuation fencing etc). Additional recommended conditions relating to construction method statement and limits to hours of work; noise levels, refuse and recycling facilities, and communal storage areas.

With regards to air quality, further to the grant of outline permission 151850, the new proposal should have similar conditions applied to secure Residential Travel Information Packs (to include walking and cycling maps, site specific public transport information, park and ride service information, school travel plan information, local taxi information, car sharing scheme information, information on reducing the demand for travel, and sustainable travel vouchers) and the provision of one electric charging point per dwelling (where dedicated parking) and 10% provision for unallocated parking spaces.

8.10 Essex Bridleway Association:

Confirmation that they have no comments at this time.

8.11 Essex County Fire and Rescue:

No comments received.

8.12 Essex Police:

No comments received.

8.13 Essex Wildlife Trust:

No comments received.

8.14 Essex Ecology Service (EECOS):

Following a review of both the 2015 and 2018 ecological reports, it is concluded that both reports include appropriate enhancement measures for the 'permanent wildlife area' in the north west corner of the site. Both recommend post-development management of the PWA, including management of scrub encroachment, wildlife-friendly planting, protection against illumination by external lighting, and installation of bat and bird boxes. Only a small proportion of partially vegetated brownfield habitat is proposed for retention for wildlife. If a larger area could be retained, assuming a larger area of habitat is present (as aerial photos seem to indicate), it would be preferable.

It is proposed that management of the PWA is laid out in an Ecological Management Plan or equivalent, which makes sense and may be worth conditioning.

Please note that the report also calls for a reptile survey and pre-development translocation, plus surveys for bats (in buildings) and birds (black redstart and little ringed plover), which seem reasonable.

8.15 Highway Authority:

The impact of the proposal is acceptable from a highway and transportation perspective subject to conditions: Construction traffic management plan; provision of a priority junction off Mason Road; provision of visibility splays; upgrade of bus stops; improvement to the Public Rights of Way network through the railway line subway to Mason Road and North Station Road (south of the railway line); provision of a residential travel plan.

8.16 Landscape Officer:

1. Any POS containing play areas should be enclosed with railing or knee-rail (dependant on proximity to highway) and the areas themselves left uncorralled and given a more natural play design, imaginatively utilising bunding and natural play elements together with the more formal play equipment to form and protect the active areas of play. Seating and bins should be included to the play area. – However it should be noted that there would be no objection to the actual detail design of the POS being agreed to be submitted under condition. This subject to 1.3.3 below being evidenced and provided that the footprint of the POS, the footprint of the LEAP, POS tree locations/types, POS footpath footprints/locations and the location of the maintenance access point (see Appendix LIS/A clause 7.7) is/are submitted at this the application stage.

2. It is recommended the footprint of the LEAP is clearly demonstrated (marked on plan) as having a minimum 20m offset 'between activity zone and the habitable room façade of dwellings' and that it has a minimum activity zone of 400sqm. This to accord with best practice as defined within the 'Beyond the Six Acre Standard' national Fields In Trust guidance (table 4). The LEAP itself should maintain a broadly nucleated form to ensure its viability as an interactive, dynamic and diverse play area with a vibrant, opportunistic play options is ensured.

8.17 Natural England:

No objection subject to appropriate mitigation being secured.

It has been identified that this development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.).

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures.

8.18 Network Rail:

No comments received.

8.19 NHS Essex:

Planning obligations required.

8.20 Open Space, Sport, and Recreation:

Comments provided in respect of planning obligations required.

8.21 Planning Policy:

No comments received.

8.22 Street Services:

No comments received.

8.23 SUDs:

No objection subject to conditions to secure a detailed surface water drainage scheme and a surface water drainage maintenance and management plan.

8.24 The Ramblers Association:

No comments received.

8.25 Transport Policy:

- The development should be well connected to the existing pedestrian and cycle network. The 'dog leg' from the underpass should be resolved.
- The PROWs from the development site to North Station Road and under the rail line should be upgraded to allow better cycle and pedestrian access to the rail station and to bus stops.
- A 4m wide shared use cycle/pedestrian path is recommended through the site from the underpass to Mason Road.
- Cycle parking to be in accordance with the EPOA Vehicle Parking Standards.
- Upgrades to bus stops would be required.
- Strong support for the provision of a car club on site with at least two spaces and two cars to give home buyers the option of reducing car ownership.
- Expectation that electric vehicle charging points are included within the development to encourage the uptake of electric vehicles.
- Further information is required as part of the Travel Plan to explain how the car club and sustainable travel options will be marketed to potential home buyers as a positive lifestyle choice.

8.26 Urban Design:

Extensive comments and negotiation throughout the course of the application.

9.0 **Parish Council Response**

9.1 Myland Community Council (MCC) have commented as follows:

1. MCC welcomes the intention to enhance foot and cycle path connections via the development site. This aligns well with the Myland and Braiswick Neighbourhood Plan Project LP15 - Roads & Transport: "MCC will lobby Colchester Borough Council to upgrade the footpath with an adjoining cycle-way which runs from Petrolea Close through the Cowdray Centre direct to the Colchester Leisure Centre". MCC is striving to encourage reductions in private car usage to local points of interest and this is a positive step.
2. MCC is concerned to note the provision of a possible road link into High Woods Country Park. This is in direct conflict with the Myland and Braiswick Neighbourhood Plan Policy ENV4: "High Woods Country Park is a valuable and important asset. Planning applications must ensure protection and enhancement of High Woods Country Park". The intention to possibly link Cowdray Avenue to Turner Rise via a road route under or over the railway line will have a consequence for the Country Park in terms of loss of habitat. It will set a dangerous precedence for further incursion into what is a highly important recreational and conversation area.

10.0 **Representations from Notified Parties**

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

10.2 Local representations following initial consultation:

General Comment (4)

- Would prefer no housing as Colchester is big enough and too much strain on infrastructure.
- Concerned about how the boundary of the site would be secured with different ground levels between existing houses and the new build.
- Prefer the roundabout junction previously proposed. The priority junction is inefficient at busy times.
- Would object to any plan to create an access into Highwoods Country Park.
- Maintaining and improving safety and lighting of footpath to Turner Rise and North Station is essential.
- How would air and noise pollution be managed during demolition and construction?
- Colchester Hospital is trying to encourage active transport (i.e walking and cycling) and public transport to improve road safety and reduce congestion and air pollution. In order to incentivise staff and patients to leave their cars at home pleasant and safer routes need to be provided. The tunnel offers

great potential for improvement to offer a more pleasant route to walk or cycle and represents a vital piece of future infrastructure to help the hospital achieve its goals.

- Due to the lack of parking the proposal, the shared use pathways are important for people to move around Colchester and make the most of the open spaces nearby (i.e. Highwood Country Park) and access public services such as the hospital.
- The pavement and cycleway should be segregated and run parallel to each other. The cycleway should be of a different colour in order to distinguish it as a cycleway to the visually impaired. Pavement and cycleway should be 3m wide (preferably 4m).
- Pavement on eastern side of Mason Road should be widened and made into a shared use path. There should also be a crossing over the side road on Cowdray Avenue.
- Junction of Mason Road and Cowdray Avenue needs to be improved and have a toucan crossing to improve route along Cowdray Avenue and links to Leisure Centre.
- Side road along Cowdray Avenue should be restricted or closed off for cyclist safety.
- Cycle parking is inadequate and too much car parking. Secure cycle parking for visitors should be provided.
- Not supportive of road under the rail line to Petrolea Way as it would result in the development becoming a rat-run from North Station and Turner Rise Retail Park.
- Need to ensure that pavement parking is restricted.

Object (38)

- Does not meet requirements of Policy DP17: The proposal does not enhance accessibility for sustainable modes of transport or give them priority. It does not incorporate satisfactory and appropriate provision for pedestrians and cyclists.
- Does not meet requirements of Policy TA2: In order to meet requirements the proposal should include:
 - Route through the middle of the development on a cycling desire line
 - Resolve the 'kink' in the path leading the foot tunnel; (currently stops users having a view through the tunnel, effecting person security and hindering use)
 - The cycle path leading to the tunnel from Mason Road should be segregated from pedestrians (the tunnel should have clear 'give way to pedestrian' signs, but no barriers that would impede cyclists, people with disabilities or families)
 - The path along Mason Road is too narrow and not safe for pedestrians and cyclists
 - Provision should be made to facilitate cyclists and pedestrians crossing Maldon Road and travelling along Cowdray Avenue, possibly by enhancement of the traffic lights
 - The cycle track to the east with ('future links') should be segregated from pedestrians

- No plans to include small business units. No thought has been given to the plight of existing businesses and customers they serve. What facilities will be made available to the small businesses to relocate?
- Far too many properties with far too few amenities and facilities.
- Too close to the railway line.
- Would cause further congestion on Cowdray Avenue.
- The surrounding infrastructure cannot cope with an additional 272 homes in the area. The roads are gridlocked at rush hour.
- Should rescue empty houses and 'upcycle' rather than build new houses and flats.
- Pollution from traffic.
- Could be development that includes shared to use to allow entrepreneurs to work close to home and avoid traffic burdens by commuting.
- Cannot find alternative premises for business; not many sites suitable for B2 use. The business is therefore in danger.
- Dance studio and space for hire at the Cowdray Centre serves the community and wants to continue to operate in this area, but the proposals do not support this.
- If Colchester Borough Council wants to encourage business within the town the proposal should include a commercial element (as the previous application did). The existing businesses will lose their premises if this is approved and there is a significant shortage of suitable premises within the town.
- Traffic reports regularly mention severe congestion on Cowdray Avenue. The Council should confirm that the current inadequate infrastructure will be upgraded to ensure that a worse situation is not created.
- How will PROW 73 (Colchester) and PROW 73 and 224 (Myland) be protected and enhanced? No protection measures are evident.

10.3 Local representations following revisions:

General Comment (3)

- Query regarding boundary fencing to existing dwellings so as to prevent overlooking.
- Use of public transport and cycling is overestimated.
- Are there school places available?
- Consent should be conditional upon a substantial contribution towards the cost of an eventual Asda/Petrolea Close road link to Cowdray Avenue, as well as the proposed pedestrian/footpath link.

Objection (17)

- The road network is insufficient to deal with the current volume of traffic as well as the proposed dwellings.
- Cowdray Avenue is already heavily congested and there is considerable air pollution which will be made worse as a result of the proposal.
- Loss of the small businesses.
- The houses will not be affordable. There is no mention of how much affordable housing is proposed.
- The houses will be aimed at commuters instead of local people.

- Flooding along the new housing development at the riverside has not been rectified.
- Schools, doctor's surgeries and local hospital already failing to meet demand.
- Existing residents will suffer overlooking.
- Future links to Ipswich Road should be planned and built now.
- Public safety issue if roads are congested and emergency vehicles cannot access.
- There is already very limited residents parking and it will be unfair on local residents if they cannot find a parking space within 100 yards of their home as a result of this development.
- There will be more traffic on Cowdray Avenue as a result of the proposed development. More congestion will cause more pollution, which will damage health.
- Rear courtyard parking is insufficient as people will rather park their car on the road to the front of houses and this will make it difficult for emergency service vehicles to gain access.

11.0 Parking Provision

11.1 The EPOA Vehicle Parking Standards for Class C3 dwellinghouses is as follows:

Use	Vehicle	Cycle	PTW	Disabled
	Minimum	Minimum	Minimum	Minimum
1 bedroom	1 space per dwelling*	1 secure covered space per dwelling. None if garage or secure area is provided within curtilage of dwelling	N/A	N/A if parking is in curtilage of dwelling, otherwise as Visitor/ unallocated
2+ bedroom	2 spaces per dwelling*			
Visitor/ unallocated	0.25 spaces per dwelling (unallocated) (rounded up to nearest whole number)	If no garage or secure area is provided within curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents plus 1 space per 8 dwellings for visitors	1 space, + 1 per 20 car spaces (for 1 st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	200 vehicle bays or less = 3 bays or 6% of total capacity, whichever is greater, Over 200 vehicle bays = 4 bays plus 4% of total capacity

The proposed scheme provides the following parking arrangements:

- One car parking space per 1-2 bed apartment and 1 bed house
- Two car parking spaces per 2+ bed house
- Cycle parking provided for blocks of flats

No dedicated visitor parking or disabled parking (relevant for communal parking areas only) is provided, although the submitted 'Concept Plan' has illustrated locations where on-road car parking can occur in convenient locations.

12.0 Open Space Provisions

12.1 The proposed scheme provides at least 10% of the site area as public open space in accordance with Development Plan Policy DP16.

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. In any case, air quality has been considered as part of the application and will be assessed in section 15.0 of this report.

14.0 Planning Obligations

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought.

14.2 Following notification of the obligations required, the Applicant submitted a Viability Assessment that concluded that the development was not viable and could not, therefore, include any affordable housing or planning contributions. The Council then commissioned an independent review which concluded that there was viability within the scheme. No further viability argument has been put forward by the Applicant. The Applicant has, however, put forward a draft Heads of Terms offer that includes affordable housing provision and planning contributions.

14.3 The exact trigger points, mechanisms, and associated clauses will need to be discussed further with the Solicitors for each party, but the obligations that would be agreed as part of any planning permission would be as follows (headings in alphabetical order):

- Affordable Housing: 20% (tenure mix being at least 80% affordable rent and no more than 20% intermediate). As part of the affordable housing, 2 No. one-bed flats would be delivered as part M4 Category 3(2)(a) to include a wet room and 2 No. one-bed flats would be delivered as part M4 Category 3 (2)(b) fully adapted wheelchair units. The remaining affordable units, excluding upper floor apartments, would meet part M4 Category 2. Not more than 70% of the market dwellings shall be occupied unless the developer has contracted with a Registered Provider to deliver disposal of 100% of Affordable Dwellings.
- Archaeology: £15,125 (+VAT) for the display, promotion and management of archaeological discoveries on the site. If no archaeological remains are affected by the development (to be determined as part of an agreed programme or archaeological investigation secured by condition) £290 (+VAT) would be required to integrate the information from the archaeological investigation with the Colchester Historic Environment Record (HER);
- Community Facilities: £359,000 required towards the provision of a multi-use community facility adjacent to the visitor's centre at Highwoods Country Park;
- Education: Contribution towards Primary and Secondary education provision in accordance with the Essex County Council formula (£12,734 per Primary place and £19,345 per Secondary place subject to indexation) £1,218,738.00;
- NHS: £96,048 towards providing additional capacity at East Hill Surgery to mitigate the development;

- Open Space, Sport, and Recreation: £240,000 to be spent on a new shared cycle/pedestrian path in High Woods Country Park. Additional £91,445.94 required if the open space provided by the development is adopted by Colchester Borough Council; and
- Transport and Sustainability: £65,000 to provide a north/south cycle and pedestrian link between the development site and the existing underpass (providing clear sight lines through the underpass) as indicated in purple hatching on drawing PH222-PL-11 Rev E.
- The provision of a LEAP play area.
- Land to be safeguarded for a potential future vehicular link under the railway to Turner Rise.

14.4 A s106 Agreement is therefore required to secure these obligations and contributions. A contribution to provide RAMS mitigation can also be included as part of the s106; further explanation of this requirement is set out in section 15 of this report.

15.0 Report

15.1 The main issues in this case are: principle of development; impact on landscape and trees; flood risk and drainage; highway matters; amenity; ecology and biodiversity; design and layout; heritage matters; contamination; impact on existing businesses; and public health.

Principle of Development

15.2 One of the core planning principles set out by the National Planning Policy Framework (NPPF) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The application site is previously developed brownfield land, so its redevelopment would be encouraged, subject to material planning considerations. The site also comprises existing commercial uses however so the principle of its redevelopment as a whole needs to be considered further in terms of the impact upon existing businesses.

15.3 The site is allocated within the Local Plan for mixed use redevelopment under Site Allocation Policies SA CE1 and SA TC1. This allocation covers the Cowdray Centre and Cowdray Trade Park as one site and seeks to provide a range of uses within the categories of retail, residential, leisure, hotel, and employment. Policy SA TC1 states that ‘the residential element shall comprise no more than 50% of the site area and existing businesses will be encouraged to remain. Development of the site should also deliver improved connectivity to the Town Centre and North Station for vehicles (especially public transport), pedestrians and cyclists; and a green link between Highwoods Country Park and Leisure World/Castle Park. In addition land should be safeguarded for a potential future vehicular link under the railway to Turner Rise.’

- 15.4 The proposal is considered to comply with the requirements of the site allocation. The proposed residential development would not exceed 50% of the overall Cowdray Trade Park site and land can be safeguarded for a potential future vehicular link under the railway to Turner Rise, as shown in the Development Concept Plan submitted with the application.
- 15.5 In terms of connectivity, the site would benefit from existing links (Public Rights of Way) that lead to and from Highwoods Country Park, a retail park (Turner Rise), and the train station. The Public Right of Way that runs along the northern edge of the site is shown to be improved (widened) on the submitted plans, making the path more user friendly and convenient in terms of allowing for passing by other users; of particular benefit given that a greater number of people would be using the surrounding links as a result of the development. In order to adhere to highway requirements, as well as the provisions of policy SA TC1 and Transport and Sustainability principles, it is also necessary to secure (via planning condition or s106 agreement as appropriate) the following:
- Improvements to surfacing along the PROW
 - Straightening the PROW from the subway into the site (to allow users clear visibility through the subway)
 - Improvements to 2 No. local bus stops
 - Provision of a path through Highwoods Country Park
- 15.6 When considering wider sustainability issues, Core Strategy Policy SD1 seeks to locate growth at the most accessible and sustainable locations in accordance with the settlement hierarchy (Colchester Town and Stanway being at the top of that hierarchy). Policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy for Colchester. A key aspect of this is the improvement of accessibility by enhancing sustainable transport links and encouraging development that reduces the need to travel. Developments that are car-dependent or promote unsustainable travel behaviour will not be supported.
- 15.7 The site is located immediately north of the town centre, which is at the top of the settlement hierarchy of policy SD1. Development in this location is therefore supported in broad sustainability terms. The requirements of TA1 are such that development needs to be focussed on highly accessible locations to reduce the need to travel and, given the proximity of the site to the train station, Country Park, Retail Park, leisure facilities, and the town centre, this is considered to be the case.
- 15.8 Subject to the above requirements, and in consideration of this being a brownfield site within the settlement boundary of Colchester, the proposal is considered to be acceptable in principle. Other material planning matters now need to be considered.

Landscape Impact (including impact on trees)

- 15.9 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.
- 15.10 The application is supported by a Townscape and Visual Impact Assessment which considers a number of close, local, medium, and distant views of the site, concluding that a development of up to four stories in height would be 'visually unobtrusive' and would 'sit comfortably in relation to the surrounding townscape and the higher ground of Colchester town centre and High Woods Country Park'. The Council's Landscape Officer raises no objections to the content of the report and it is considered that the proposals would be acceptable in terms of the landscape setting.
- 15.11 In terms of the impact on trees, the Council's Arboricultural Officer has advised that the Arboricultural Impact Assessment submitted is acceptable; the vegetation that would be removed from within the site as a result of the development is of moderate value at best. Potential conflict with trees on adjacent sites has been resolved via the omission of several units that were proposed in close proximity to these trees. Conditions will be required to ensure that the impact assessment is an approved document and that tree protection measures will be carried out during demolition and construction works. Subject to these conditions, the proposal is not considered to have an adverse impact on trees and therefore respects its landscape setting.

Flood Risk and Drainage

- 15.12 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water
- 15.13 The site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. It is still important, however, to assess whether/how the development could affect flood risk elsewhere.
- 15.14 A Flood Risk Assessment, as well as a SUDs and Drainage Report, has been submitted with the application and both Essex County Council SUDs (as Lead Local Flood Authority) and Anglian Water have been consulted. Essex County Council SUDs have confirmed that they have no objection to the proposal subject to conditions to secure a detailed surface water drainage scheme and a surface water drainage maintenance and management plan (a similar condition has also been recommended by

Anglian Water). This is considered appropriate in order to mitigate any impacts in terms of surface water run-off and flooding.

- 15.15 In terms of drainage, Anglian Water have confirmed that the foul drainage from the development is in the catchment of Colchester Water Recycling Centre, which has available capacity for the flows.
- 15.16 The proposal is not, therefore, considered to be susceptible to flooding or cause flooding elsewhere, will (subject to condition) manage surface water run-off, and would be adequately served in terms of foul drainage. The proposal complies with policies SD1 and DP20.

Highway Matters (including sustainability and accessibility)

- 15.17 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. The policy also states that the demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity, and built character. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements). It is relevant that the parking standards note that a reduction to the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport.
- 15.18 The application is supported by a Transport Assessment which looks at parking provision, trip generation, accessibility, travel patterns, impact on the surrounding highway network, and mitigation measures.
- 15.19 The assessment sets out that the proposed development would be sustainable in terms of having access to a number of services and facilities without reliance on private car. This is due to the PROWs in the vicinity of the site, cycle routes (including National Cycle Network 1 on Cowdray Avenue), bus services (on Cowdray Avenue and North Station Road), and proximity to the train station.
- 15.20 The assessment acknowledges that the proposal does not meet minimum parking standards and makes the following justification:
- A large proportion of apartments are included in the scheme, which typically have lower car ownership rates. Flats and houses are treated the same in the standards despite evidence showing that typically lower car ownership rates are associated with flats. In addition, the scheme includes a high proportion of 2-bedroom units; There is limited opportunity for on-street parking in the area surrounding the site;

- A proportion of the parking spaces will be unallocated as this provides the most efficient use of parking and spaces can be shared across residents with different car ownership and use profiles;
- There is good access to public transport; and,
- The level of cycle parking provided will meet the standards.

15.21 In addition, car ownership data is analysed by looking at Census data from the surrounding area. The findings show that the car ownership rate is 0.85 vehicles per household (lower than the average across Colchester which is 1.26 cars/vans per household). The level of car parking proposed (i.e. one space per apartment and one-bed house and two spaces per house with two or more bedrooms) exceeds the car ownership levels in the surrounding area. Taking the car ownership data of approximately one vehicle per dwelling suggests, according to the assessment, that visitor parking can be accommodated on-site for the houses where two car parking spaces are provided. Visitor spaces may also be accommodated throughout the unallocated parking for the flats due to car ownership rates (the data showing that 45% of flat owners have no access to a car). In any case, visitor parking is also shown to be capable of being provided on-road (subject to parking restrictions that will be put in place by the Highway Authority to prevent parking by commuters that could cause obstructions to other road users).

15.22 The assessment confirms that the proposal will adhere to cycle parking standards. Cycle stores are shown on the floor plans for the apartments and further details (to ensure adequate provision) can be secured via a planning condition. It is considered that cycle parking can be provided within the curtilage of the houses proposed and that no further details are required for these units.

15.23 In terms of impact on the surrounding highway network, the assessment has compared the volume of trips that would be generated as a result of an industrial (last use) of the site to the trip generation from the proposed residential scheme using nationally recognised TRICS trip generation data. The comparison is summarised below:

Time Period	Proposed Residential	Industrial	Difference
8am-9am	86	98	-12
5pm-6pm	98	88	+10
7am-7pm	917	1,205	-288

15.24 The data shows a similar trip generation between the two uses, although the proposed development would generate fewer AM and overall daily trips. It should also be noted that the Industrial trips would include HGV traffic which would not be included as part of residential traffic generation.

- 15.25 The assessment proposes some additional mitigation measures in the form of a Residential Travel Plan (including issuing a travel pack to all households upon first occupation) to raise awareness and promote the use of sustainable modes of travel to encourage residents to make sustainable travel choices; improvements to the pedestrian and cycle links in the vicinity of and across the site; and a consideration of the introduction of up to two car club spaces.
- 15.26 The Highway Authority have confirmed that they agree the proposed layout (on highway terms) and they have not expressed any concerns regarding the findings and conclusions of the Transport Assessment. The conclusions of the assessment are therefore considered to be sufficient to justify a lower car parking provision (given the high levels of connectivity and accessibility) as well as demonstrate that the proposal would not result in adverse harm to the road network. Policy DP19 confirms that “A lower standard may be acceptable...where it can be clearly demonstrated that there is a high level of access to services, such as town centre location”. Conditions are necessary to improve facilities for more sustainable modes of transport (PROWs and bus stops) in order to improve the connectivity of the site and reduce the reliance on private car.
- 15.27 In terms of air quality, an Air Quality Assessment has been submitted as part of the planning application. The assessment looks at the potential impacts on local air quality during the construction period, as well as once the development is occupied, with the conclusion that there would be a negligible-low risk to human health during construction and that the proposed development would not result in any significant air quality impact as it would not significantly increase traffic once operational. The Air Quality Assessment has been considered by the Council's Environmental Protection team and no objections have been raised subject to conditions to secure Residential Travel Information Packs and electric charging points to encourage the use of electric vehicles.
- 15.28 The proposal is therefore considered to be acceptable with regards to highway matters and policies TA4, DP17 and DP19.

Impact on Neighbouring Amenity

- 15.29 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 15.30 The application site (on its eastern side) shares a boundary with a row of properties fronting Cowdray Avenue. The impact of the proposed development on these properties therefore needs to be considered. When assessing the relationship between properties, the Essex Design Guide states that, ‘where habitable rooms are located at the rear of neighbouring properties and the rear facades face each other, a minimum spacing of 25m between the rears of the properties is required. An intervening fence or other visual barrier of above eye-level height (as viewed from the potential

vantage point) should be incorporated to maintain an adequate level of privacy.' In this case, all of the proposed properties that directly back onto the boundary are over 25 metres from the rear wall of their corresponding property on Cowdray Avenue and boundary treatments above eye level will be maintained or incorporated. In terms of the proposed units that are positioned 'side on' to the boundary, these do not include any windows (other than a very narrow module window) at first-floor level that would generate actual or perceived overlooking; these units are at least 15 metres from the rear wall of the properties on Cowdray Avenue which again adheres to the standards advised in the Essex Design Guide for this layout arrangement.

- 15.31 An additional consideration is that the Essex Design Guide advises that 'where new development backs onto the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary, even if closer encroachments would still achieve 25m between the rears of the houses.' The proposed dwellings that would back onto the Cowdray Avenue properties are all at least 15m from the shared rear boundary therefore meeting the additional requirement in terms of privacy for existing dwellings.
- 15.32 The units proposed alongside the boundary with Cowdray Avenue are not considered to result in any adverse overshadowing or loss of sunlight/daylight to the neighbouring properties as there is considerable separation between them and the proposed units would be located to the north, thereby not restricting sunlight which would come from the east, south, or west depending upon the time of day.
- 15.33 Noise and disturbance is considered to be minimal given the residential nature of the proposed development. The construction phase is likely to cause noise and disturbance and, as such, the Council's Environmental Protection team have recommended conditions to limit the hours of work and establish a construction method statement. This is considered to ensure that the amenity of local residents is protected as far as reasonable.
- 15.34 The proposal is considered to meet the requirements of Policy DP1 in terms of impacts on public and residential amenity subject to necessary conditions.

Ecology and Biodiversity

- 15.35 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and

maximise opportunities for the restoration, enhancement and connection of natural habitats.

- 15.36 The application is supported by a Preliminary Ecological Assessment and a Phase 2 Ecology Survey. The assessment confirms that 'The habitats within the north-west section of the site are of value for notable plants and their terrestrial invertebrate assemblage but the habitats are declining in value through lack of scrub management.' It is therefore considered that if the site were to remain undeveloped, the habitat currently present would continue to decline.
- 15.37 It is clear that the development of the site would result in the loss of some brownfield habitat. In order to mitigate this both the assessment and survey propose an Ecology Mitigation and Management Plan (EMMP) that would 'guide the proposed development through the construction and operational establishment phases to ensure adherence to wildlife legislation and to maximise the potential for enhancement of the retained habitats within the north west section of the site that are of value for invertebrates and reptiles.' The survey goes on to explain that the 'EMMP will also maximise the biodiversity potential of the wider site through a programme of enhancements such as the installation of bird nest boxes and integrated bat boxes, as well as invertebrate 'bug boxes' within the site.' The survey concludes that the implementation of the mitigation and enhancement measures would compensate for the adverse impacts upon specific habitats, designated site and protected species, with positive outcomes for biodiversity.
- 15.38 As the wildlife area and railway embankment would remain undeveloped, development on the application site would, therefore, only result in the loss of the well-vegetated areas immediately adjacent the wildlife area. These vegetated areas do have interest for invertebrates and reptiles. However, the improvements to the wildlife area, as well as the other enhancements and mitigation measures proposed are considered to adequately compensate for this loss. The proposal is therefore considered to meet the requirements of the NPPF and Development Policy DP21.
- 15.39 The Phase 2 Ecology Survey also details surveys for bats and reptiles. In terms of bats, the survey concludes that the existing building on site is unsuitable for bats, although there may be the potential for foraging and/or roosting bats along the railway line and in the north-east corner of the site. An emergence survey was undertaken at the north-east corner of existing building on site to check for any emergences by bats from under the fascia, but no bats were observed or recorded to emerge from the building and therefore no roosts were considered to be present. There is a record of slow-worm and common lizard on the site in 2005 and this may explain why the north-west corner was delineated as a Permanent Wildlife Area (PWA) in approximately 2007; there is currently a dilapidated reptile fence that can be seen around the PWA. The survey reports that there may be small populations of slow-worm and common lizard on the site.

- 15.40 Consequently, mitigation and enhancement measures are recommended. These measures include ensuring site lighting is kept to a minimum (during both construction and occupation), implementing a translocation programme for reptiles, and installing bat boxes away from artificial light and regular disturbance. These matters can be conditioned appropriately.

Design and Layout (including amenity of future residents)

- 15.41 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Development Plan Policy DP16 sets out space standards for both public and private (garden) space. In addition, Policy DP12 focusses on dwelling standards and the requirement for high standards of design, construction and layout. Particular elements for consideration include:
- (i) The avoidance of adverse overshadowing between buildings or over neighbouring land uses, and of other adverse microclimatic effects resulting from medium and high rise buildings at a high density;
 - (ii) Acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes;
 - (iii) Acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas;
 - (iv) A management and maintenance plan to be prepared for multioccupancy buildings and implemented via planning conditions to ensure the future maintenance of the building and external spaces;
 - (v) Flexibility in the internal layout of dwellings to allow adaptability to different lifestyles;
 - (vi) Vehicle parking (including secure cycle and motorcycle parking) to an appropriate standard, as set by Essex County Council and policy DP19, and provided in a visually acceptable manner. In the case of flats, secure cycle storage should be incorporated into flat blocks and readily located at the building entrances, and;
 - (vii) An accessible bin and recycling storage area, and external drying areas.
- 15.42 The scheme has undergone extensive revision over the course of the planning application. This has partly been in order to address certain constraints (such as noise from the railway line), but also in order to achieve what would be regarded as good design in terms of creating connectivity, adequate public and private space, and appropriate scale, form and architectural detailing.
- 15.43 In terms of broad layout, the proposed scheme provides at least 10% open space as required by Development Policy DP16 and, in the case of houses, acceptable levels of private amenity space (50-60sqm dependent upon the number of bedrooms), albeit with some of the one-bed houses being slightly shy of the size requirement (approximately 4sqm deficiency). Amenity space for the flats comprises of balconies and external communal space; whilst the amount of space proposed falls short of the minimum 25sqm per flat requirement under Policy DP16, the space provided is considered to be of beneficial use and is adequately compensated for by the public open space

provided on site, as well as existing open space in close proximity to the site (Highwoods Country Park and Castle Park in particular).

- 15.44 The Council's Landscape Officer has advised that the play area indicated on the layout drawings and landscape strategy would not meet the 'Beyond the Six Acre Standard' Fields in Trust guidelines in terms of its proximity (under 20m) from approximately five of the units. Whilst these comments are acknowledged, it should be noted that these standards are guidelines only and are not adopted as part of Council planning policy. Whilst there may be some disturbance to future residents from activity at the play space, it is considered that these units would front onto open space regardless of whether a play area were located there or not so would be susceptible to public activity in any case; indeed, it may even be the case that prospective occupiers may wish to be in close proximity to a playground for the convenience of letting their children out to play. Given that the standards are guidelines rather than adopted policy, the limited impact on amenity, and considering the level of impact proportionate to the benefits of the scheme as a whole, the location of the play area is not considered to constitute a justifiable reason for refusal in this case. The Landscape Officer has no objections to the remainder of the landscape concept; it is considered necessary to condition detailed landscaping, as well as details of the play area.
- 15.45 Turning to Policy DP12, the layout of the proposed development is considered to achieve acceptable levels of daylight to habitable rooms and avoid adverse shadowing between buildings. Levels of privacy are also considered satisfactory, with back-to-back distances between houses being between 20-25 metres and the blocks of flats being arranged so that they do not look into sitting-out areas or rear habitable rooms. The impact of noise and vibration from the railway line and adjacent commercial businesses has been considered at length and the scheme has been amended in order to ensure that bedrooms are located on the shielded side (i.e. away from the noise source) of the building. Environmental Protection have also recommended a condition to ensure that internal noise levels meet British Standards.
- 15.46 The units would need to meet Building Regulations in terms of accessibility. Additional requirements have, however, been agreed with the Applicant in terms of providing units for wheelchair users, as well as units that are capable of being adapted for wheelchair use; this relates to the affordable housing (52 units) where 4 No. one-bed flats will be required to be wheelchair user dwellings and the remainder to be adaptable for wheelchair use.

- 15.47 The development would include accessible bin and recycling storage areas, as well as external drying areas; the houses have internal facilities as well as private garden space with which to store bins and dry clothes outside, and the flats have communal bin stores and some private external space to dry clothes. The communal areas for the flats will need to be maintained and managed by a management company, the details of which can be secured by condition in order to ensure that these areas remain fit for purpose.
- 15.48 Detailed design has been thoroughly negotiated with the support of the Council's Urban Designer. Street frontages have been revised to achieve continuity of frontage and avoid a formulaic approach in order to create interesting street scenes. The form and external design of the house types and blocks of flats have also been extensively revised, particularly with regards to roof form (i.e. pitch) and elevational treatments, elements of which will need to be conditioned to ensure that these design principles are adhered to. Architectural detailing, such as (but not limited to) articulation, depths of reveals to windows and decorative panelling, window details are all required to be conditioned to ensure acceptable finishing, as are facing and roofing materials.
- 15.49 Subject to the conditions referred to above, the proposed development is considered to meet the requirements of policies UR2, DP1, and DP12, and is considered to be acceptable with regards to policy DP16 in terms of open space and private amenity space.

Other Matters (heritage, contamination, health impact assessment)

- 15.50 Both Core Strategy Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic Environment. Development Plan Policy DP14 makes it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains. In this case, there are not considered to be any historic buildings that would be affected by the development of this site. The proposal is, however, located in an area of archaeological interest, being adjacent to the site of a Roman cremation cemetery. As such, there is a high potential for encountering buried archaeological remains (and potentially further burials). Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist. The Council's Archaeological Adviser considers that there are no grounds to refuse planning permission in order to achieve the preservation in situ of any important heritage assets. It is therefore recommended that a condition for archaeological investigation is applied in order to advance the understanding of any heritage asset before it is damaged or destroyed. In addition, a planning contribution is required in order to display, promote, and manage any archaeological discoveries on the site, as well as update the Historic Environment Record (HER) database. These provisions are considered to mitigate the impact of the proposal upon the historic environment.

- 15.51 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. A Geo-Environmental Desk Study and Gas Monitoring Report has been submitted in support of the application and has been considered by the Council's Contaminated Land Officer who has concluded that the information is satisfactory in making an assessment of potential contamination risk. Conditions are therefore recommended to secure the submission of a site characterisation and remediation scheme, leading onto the implementation of an approved remediation scheme. A condition setting out the procedure should any unexpected contamination be encountered should also be included.
- 15.52 Policy DP2 requires all development to be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health. Health Impact Assessments (HIA) are required for all residential development in excess of 50 units. An HIA needs to identify the potential health consequences of a proposal on a given population, maximise the positive health benefits and minimise potential adverse effects on health and inequalities. A HIA must consider a proposal's environmental impact upon health, support for healthy activities such as walking and cycling, and impact upon existing health services and facilities. Where significant impacts are identified, planning obligations will be required to meet the health service impacts of the development. Any HIA must be prepared in accordance with the advice and best practice for such assessments. A Health Impact Assessment has been submitted with the application, taking into account personal/family lifestyles and characteristics, the social environment, physical environment, and access to quality services. NHS Essex were consulted on the application and did not provide any comments in respect of the Health Impact Assessment, other than to confirm that a contribution would be required to mitigate the impact of the development on health services (in this case, East Hill Surgery being identified).
- 15.53 The proposal would result in the loss of some existing business units, although the existing commercial building is now largely vacant. Site Allocation Policy SA TC1 states that existing businesses will be encouraged to remain on site as part of the wider mixed-use development. Given that the application site covers the residential element of the mixed use allocation (for the site as a whole) it would not be possible for the businesses to remain on site. Information provided by the landowner demonstrates that the businesses have been on short term leases since the fire in 2006 and that the existing building has deteriorated since then and is not in a satisfactory state of repair that would meet the expectations of business users. In any case, evidence from the Landowner shows that the majority of businesses have either left the premises for new locations or are actively seeking new premises. Of the 35 units at the Cowdray Centre, 3 No. look to remain occupied (by car repair businesses); reports from the Landowner indicate that these businesses are actively seeking new premises. Whilst it is acknowledged that the three remaining businesses will need to find new premises as a result of the proposed development, it is ultimately not considered justified to refuse the application on this basis.

15.54 It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). The whole of Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An appropriate assessment was therefore required to assess recreational disturbance impacts as part of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). To support the Local Planning Authority Appropriate Assessment, a Habitats Regulations Assessment was submitted as part of the application. The assessment provided details that the development would include both on-site and off-site mitigation measures as follows:

On-site measures:

- Suitable Alternative Natural Greenspace (SANGS) provision of 1.0ha greenspace to offer the estimates increase in dog walking as associated disturbance from the development at the site, with this area being managed as a SANGS through the provision of a range of measures (including cutting and maintaining a network of paths, provision of waste bins and signage to inform residents of the SANGS area and the reason for it as recreational diversion from nearby designated sites).
- The site is located adjacent to and directly connected with a Public Right of Way that leads to the High Woods Country Park immediately north of the railway line. Improvements to the Public Right of Way would be secured as part of the planning application and the Country Park is therefore considered to be an extension to the greenspace provision of the site as recreational diversion.

Off-site measures:

- The shadow HRA confirms that a contribution in accordance with the Essex Coast RAMS will be secured.

15.55 The appropriate assessment concluded that the on-site and off-site mitigation proposed would mean that the development would not have an adverse effect on the integrity of the European sites included in the Essex Coast RAMS. Natural England were advised of this assessment and confirm their agreement provided that the mitigation measures are secured.

15.56 Finally, comments submitted by local residents have been taken into consideration as part of the assessment of the application. The majority of comments have been addressed within the main assessment above, but there are two points that may benefit from further clarification. Comments have been received regarding the potential strain on infrastructure (doctor's surgeries and school places in particular); should planning permission be granted it would be subject to a s106 agreement that would require monetary contributions to mitigate the impact of the development in terms of doctor surgery capacity and school places. These contributions have

been requested by the NHS and Essex County Council Education respectively.

- 15.57 Several comments have been made in respect of concerns regarding a potential vehicular access into Highwoods Country Park. The proposal does include the safeguarding of land with which to potentially provide a vehicular link to Petrolea Close. This has been included in the proposals as it is a specific requirement of the site allocation policy. Should a proposal for a new vehicular link be developed it would need to consider the impacts upon the Country Park as well as other matters, including feasibility in terms of addressing the railway line and the cost implications. At this stage, it is appropriate for the proposal to include the potential for the link as it is a long-standing policy requirement

16.0 Conclusions

- 16.1 National policy requires planning to be genuinely plan-led. The proposal is considered to be acceptable with regards to the relevant policies contained in the Council's adopted development plan. The NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as establishing new residential development where residents can readily utilise and support nearby businesses, services and facilities. The social role of sustainable development is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives. In respect of the third dimension (environmental), the proposal will secure benefits in terms of ecology and biodiversity, as well as provide homes in an area that is highly accessible so as to encourage more sustainable means of transport and reduce the need to travel by private car. There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network. Overall it is considered the positive environmental effects and sustainability of the proposal would weigh in favour of this scheme.

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

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to:

- Agreement with the Agent/Applicant to the pre-commencement conditions under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and delegated authority to make changes to the wording of conditions as necessary;
- The signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting to deliver the obligations set out at paragraph 14.3. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement; and
- The Permission being subject to the following 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. Approved drawings

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

- | | |
|--|----------------------|
| • Location Plan | PH222-PL-01 rev. A |
| • Development Concept Plan | PH222-PL-03 rev. A10 |
| • Storey Heights Plan | PH222-PL-04 rev. P |
| • Parking Allocation Plan | PH222-PL-05 rev. N |
| • Fencing Layout Plan | PH222-PL-06 rev. P |
| • Amenity Space Plan | PH222-PL-08 rev. N |
| • Cyclepath Works | PH222-PL-09 rev. C |
| • Cycle Path/Tunnel Section | PH222-PL-10 rev. B |
| • Highways Layout | PH222-PL-11 rev. E |
| • Refuse Collection Strategy
Layout | PH222-PL-12 rev. H |
| • Affordable Housing Location
Plan | PH222-PL-13 rev. C |
| • Landscape Strategy West | MCA2217/01 [L] |
| • Landscape Strategy East | MCA2217/02 [L] |

• Apartments – Block A – Plans and Elevations	PH222-AP-A-01 rev. A
• Apartments – Block B – Plans and Elevations	PH222-AP-B-01 rev. A
• Apartments – Block C – Floor Plans	PH222-AP-C-01 rev. C
• Apartments – Block C – Elevations	PH222-AP-C-02 rev. B
• Apartments – Block D – Floor Plans	PH222-AP-D-01 rev. B
• Apartments – Block D – Elevations	PH222-AP-D-02 rev. B
• Apartments – Block E – Floor Plans	PH222-AP-E-01 rev. B
• Apartments – Block E – Elevations	PH222-AP-E-02 rev. C
• Apartments – Block F – Floor Plans	PH222-AP-F-01 rev. B
• Apartments – Block F – Elevations	PH222-AP-F-02 rev. D
• Apartments – Block G – Elevations	PH222-AP-G-01 rev. C
• Apartments – Block G – Floor Plans	PH222-AP-G-02 rev. A
• Apartments – Block H – Floor Plans	PH222-AP-H-01 rev. A
• Apartments – Block H – Elevations	PH222-AP-H-02 rev. A
• Apartments – Block I – Floor Plans	PH222-AP-I-01 rev. B
• Apartments – Block I – Elevations	PH222-AP-I-02 rev. B
• Apartments – Block K – Plans and Elevations	PH222-AP-K-01 rev. A
• Apartments – Block L – Floor Plans	PH222-AP-L-01
• Apartments – Block L – Elevations	PH222-AP-L-02
• House Type K – Floor Plans and Elevations	PH222-HTa-01 rev. B
• House Type B – Floor Plans and Elevations	PH222-HTa-02 rev. B
• House Type O – Floor Plans and Elevations	PH222-HTa-03 rev. C
• House Type L – Floor Plans and Elevations	PH222-HTa-04 rev. C
• House Type Lb – Floor Plans and Elevations	PH222-HTa-05 rev. B
• House Type M – Floor Plans and Elevations	PH222-HTa-06 rev. D
• House Type I – Floor Plans and Elevations	PH222-HTa-08 rev. B
• House Type F – Floor Plans and Elevations	PH222-HTa-09 rev. B

- House Type N – Floor Plans and Elevations PH222-HTa-10 rev. B
- House Type D – Floor Plans and Elevations PH222-HTa-12 rev. B
- House Type GF – Floor Plans and Elevations PH222-HTa-13 rev. C
- House Type GFa – Floor Plans and Elevations PH222-HTa-14 rev. C
- House Type GFb – Floor Plans and Elevations PH222-HTa-15 rev. D
- House Type GFc – Floor Plans and Elevations PH222-HTa-16 rev. C
- House Type Mb – Floor Plans and Elevations PH222-HTa-17
- House Type Ma – Floor Plans and Elevations PH222-HTa-18
- Proposed Street Scene (Sheet 1 of 2) PH222-SC-01 rev. B
- Proposed Street Scene (Sheet 2 of 2) PH222-SC-02 rev. C
- Proposed Street Scene PH222-SC-03 rev. C
- Proposed Site Sections and Street Scenes PH222-SS-01 rev. F

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

3. Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

4. Bats and Artificial Lighting

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018).

Reason: In order to minimise risk of disturbance of potential features that may provide bat commuting and foraging habitat.

5. Internal/External Noise Levels

Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime The development shall thereafter be carried out in accordance with any

details approved, and shall be retained in accordance with these details thereafter.

Reason: In the interests of the amenity and living conditions of future occupants.

6. Car Electric Charging Points

The development hereby approved shall be provided with at least 1 No. electric vehicle (EV) charging point per dwelling with dedicated parking and at a rate of at least 10% provision for unallocated parking spaces. The EV charging points shall be installed prior to the first occupation of their respective dwellings.

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

7. Roof Pitch Requirements

Notwithstanding the submitted details, House Types L, Lb, M, and O shall be constructed with a 45 degree roof pitch in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of good design and visual amenity.

8. Materials

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these 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.

9. Permitted Development Rights Removal – Extensions and Alterations

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

10. Permitted Development Rights Removal – Fences and Walls

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

11. Ecological Mitigation and Management Plan (EMMP)

No works shall take place until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall follow the principles set out in the SES Phase 2 Ecology Surveys and Assessment report dated October 2018 and shall include details of the management of the Permanent Wildlife Area; details of reptile translocation; and details of the provision of bat boxes. The development shall then be carried out and maintained in accordance with the approved EMMP.

Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

12. Tree Protection

No works or development adjacent to retained trees shall take place until a scheme of supervision for the arboricultural protection measures as set out in the SES Arboricultural Impact Assessment dated 24th October 2018 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. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

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

13. Archaeological Investigation

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008) and Adopted Guidance 'Managing Archaeology in Development' (adopted 2015).

14. Contaminated Land 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.

15. Construction Method Statement

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

- the parking of vehicles of site operatives and visitors;
- traffic management
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of lighting in accordance with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018);
- vehicle/wheel washing facilities;
- measures to control the emission of noise, dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

16. Contaminated Land 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.

17. 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.

18. Landscape Scheme

No works shall take place (other than demolition) 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:

- Details of the 1ha Suitable Alternative Natural Greenspace (SANGS) as per the SES Habitats Regulations Assessment dated 9th November 2018, including details of waste bins and signage to inform residents of the SANGS area and the reason for it as recreational diversion from nearby European designated sites;
- Proposed finished levels or contours.
- Means and details 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.).
- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

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

19. Surface Water Drainage Scheme

No works shall take place until the following, as part of the detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

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

20. Surface Water Drainage Maintenance and Management

No works shall take place until a Management and Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies (including details of how maintenance will be recorded), has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

21. Highway Requirements – PROW

No works shall commence, other than demolition, groundworks and underground enabling works, until details of the improvements to the Public Rights of Way Network through the railway line subway, to Mason Road and North Station Road (south of the railway line) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented as approved prior to the occupation of 50% (131 dwellings) of the development hereby approved.

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

22. Architectural Detailing

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings (at scales between 1:20 and 1:1) that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include window detailing (including details of the depth of reveal and any dormer features); rooflights to be used; recessed/projecting brickwork and cladding; and any eaves, verge, ridge, and guttering details. The development shall then be implemented in accordance with the approved drawings.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design in the interests of visual amenity.

23. Remediation Validation Certificate

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 14.

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.

24. Site noise levels for mechanical plant

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

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

25. 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.

26. Communal Storage Areas

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

27. Residential Travel Information Packs

No occupation of the development hereby approved shall take place until details of the Residential Travel Information Packs to be provided to new occupants have been submitted to and approved in writing by the Local Planning Authority. The packs shall include walking and cycling maps, site specific public transport information, park and ride service information, school travel plan information, local taxi information, car sharing scheme information, information on reducing the demand for travel, and sustainable travel vouchers. The approved Residential Travel Information Packs shall then be issued to new occupants of the development.

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

28. 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.

29. Highway Requirements

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

- a) A priority junction off Mason Road to provide access to the proposal site as shown in principle on the planning application drawings.
- b) Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- c) A Residential Travel Plan in accordance with Essex County Council guidance.

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

30. Details of Communal Cycle Parking

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

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

31. 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, 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 23.

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.

18.0 Informatives

18.1 The following informatives are also recommended:

1. Advisory note on construction and 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. Non Standard Condition

In the interests of ecology and the protection of mammals, it is recommended that any trenches be covered over with wooden sheeting and any construction zones fenced off at night.

3. 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.

4. 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.

5. Anglian Water Informative

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

6. Informative on Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>

7. Landscape Informative

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance

Note LIS/C (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).'

8. Informative on Street Naming & Numbering

For the safety of residents, it is the developer's obligation to ensure that:

1. street name signs are in place before the first property is occupied on any new street, and
2. each property is clearly marked with a house number visible from the highway before occupation.

9. Informative on Section 106 Agreements

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.