

Planning Committee Meeting

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

Wednesday, 18 December 2019 at 18:00

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

Information for Members of the Public

Access to information and meetings

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

Dates of the meetings are available here:

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

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

Have Your Say!

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

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

Audio Recording, Mobile phones and other devices

The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

Access

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

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

Evacuation Procedures

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Wednesday, 18 December 2019 at 18:00

The Planning Committee Members are:

Councillor Cyril Liddy	Chairman
Councillor Andrea Luxford Vaughan	Deputy Chairman
Councillor Lyn Barton	
Councillor Pauline Hazell	
Councillor Brian Jarvis	
Councillor Derek Loveland	
Councillor Jackie Maclean	
Councillor Philip Oxford	
Councillor Martyn Warnes	

The Planning Committee Substitute Members are:

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

Councillors:

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

AGENDA

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

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

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

1 Welcome and Announcements

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

2 Have Your Say! (Planning)

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

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

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

6 Planning Committee minutes 14 November 2019

7 - 12

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 14 November 2019.

7 Planning Applications

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

7.1 192565 The Beehive Public House, 13 Bromley Road, Colchester

13 - 26

Application for change of use of the ground floor of a building - from A4 to D1. The proposed activities will vary, but will include social and educational purposes and place of worship with more details included in the supporting Planning Statement.

7.2 192136 Land at Brierley Paddocks, West Mersea

27 - 72

Demolition of 1 dwelling (No. 43 Seaview Avenue) and erection of up to 101 dwellings and up to 0.5ha of D1/B1 commercial use with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs), vehicular access from East Road and pedestrian/cycle access from Seaview Avenue.

7.3 192249 Land at Brook Road, Great Tey

73 - 108

Full Application for 15 No. dwellings, associated garages and formation of a new access to Brook Road, Great Tey.

7.4	192090 Western Knowledge Gateway Site, Capon Road and Annan Road, Colchester	109 - 174
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Construction of five buildings to provide 1204 new student bedrooms arranged as cluster flats and 58 studios, with social and administrative facilities, associated hard and soft landscaping, cycle parking, bin stores and vehicle access and turning.

	Planning Committee Information Pages v2	175 - 186
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8 **Exclusion of the Public (not Scrutiny or Executive)**

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

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

Planning Committee

Thursday, 14 November 2019

Attendees: Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Martyn Warnes
Substitutes: Councillor Helen Chuah (for Councillor Lyn Barton), Councillor Theresa Higgins (for Councillor Andrea Luxford Vaughan)
Also Present:

755 Site Visits

Councillors Barton, Hazell, Higgins, Jarvis, Liddy, Loveland and J. Maclean attended the site visits.

756 190302 Land to the east of Nayland Road, Great Horkesley, Colchester

The Committee considered an outline planning application for 80 dwellings, new access and A134 crossings, land for allotments, provision of a Scout and Girl Guiding hut with associated car park, public open space and associated works at land to the east of Nayland Road, Great Horkesley, Colchester. The application had been referred to the Committee because the site was outside the settlement boundary for Great Horkesley and constituted a departure from the Adopted Local Plan but was allocated for development as part of the Emerging Local Plan.

The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Lucy Mondon, Principal Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations. It was explained that there were some instances in the report where Ivy Lodge Road had been referred to as to Ivy Lodge Lane in error. It was also confirmed that the proposal included two access options, one for a T-junction on Nayland Road and another for the enlargement of the existing roundabout at the junction of Nayland Road and Coach Road.

Layla Brown addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that she

was representing residents of Ivy Lodge Road. She was concerned about increased light and noise pollution and the negative impact this would have on residents and the natural environment; the proximity of new houses on the proposed development to existing properties on Ivy Lodge Road, particularly in relation to security and privacy; significant gaps in hedgerows on land adjacent to the application site, leading to exposure of houses to the development and increased traffic as a consequence of the development. She also commented on existing problems associated with vehicles travelling at excessive speed along Ivy Lodge Road; erosion of roadside verges and pavements; increased congestion and ecological disturbance and she sought assurances that the proposed ecological corridor would be implemented.

Andrew Ransome addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application had been submitted following public consultation and he welcomed the officer's recommendation for approval. He referred to the weight attached to the Emerging Local Plan (ELP); that the application site had been identified in the ELP along with provision for 80 houses, allotments, a scout hut and cycling and walking facilities along the A134 and that the proposal had been formulated to deliver these objectives. He considered it would be able to resolve the objections to the application in the masterplan for the site and the reserved matters stage. He referred to objections relating to highway matters and commented that the application had been considered acceptable by the Highway Authority. He also referred to a lack of technical objections from any of the statutory consultees. He considered that the application fully accorded with planning policy requirements and he hoped the Committee would be able to support the recommendation for approval.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. He extended his thanks to a number of planning officers who had worked to bring the application to fruition. He referred to the Call for Sites exercise and the various sites in Great Horkesley which had been offered for inclusion, commenting that the application site was the one which had been considered by far the most acceptable by community members. He also thanked Essex Highways officers who had undertaken a feasibility study for the proposed cycle link between Great Horkesley and the Chesterwell Development in Mile End, including shops and the new secondary school and the assistance given towards securing an additional financial contribution towards the provision of the link beyond that provided by the development now proposed. He also referred to the contribution to be made from the development towards community facilities, explaining the very poor state of repair of the existing scout hut and the opportunity that would be provided by the relocation of the scout hut to release much needed additional land for development within the community. He considered this to be a significant step forward in the development of the village of Great Horkesley.

The Principal Planning Officer explained that light and noise implications would be more fully assessed when a detailed application for the layout of the development was

submitted. She acknowledged existence of gaps in hedgerows and explained that it was difficult to assess the impact without the benefit of a detailed layout proposal, as such further information had been requested, by way of a condition, to ensure there would be no adverse impact on neighbouring trees. She was unable to comment on matters relating to excessive traffic speed along Ivy Lodge Road, as this was outside the consideration of the application. She was of the view that concerns about potential damage to verges from construction vehicle movements, could be addressed by adding a further remediation provision to the proposed condition relating to a construction traffic management plan. She acknowledged the importance of ensuring the ecology principles would be carried forward to the reserved matters application and this had been addressed by three proposed conditions. As such, Condition 5 required the reserved matters application to be in accordance with the ecological assessment and faunal surveys; Condition 7 required the submission of an ecological design scheme and a further arboricultural impact assessment which would include measures to prevent damage to trees and hedges offsite and Condition 12 required the submission of an ecological enhancement and mitigation plan. She also explained that the proposed landscape strategies included the enhancement of hedgerows which would contribute towards the infilling of hedgerow gaps.

Members of the Committee welcomed the proposals for the development on the site which was included in the ELP, which had the support in principle from the Parish Council and with the inclusion of affordable housing and a new scout hut. Comments were made in relation to the access options for the development, with a preference being stated for that which would provide for the enlargement of the existing roundabout at the junction of Nayland Road and Coach Road. Reference was also made to the proposed cycle route along the A134 to Mile End and the importance of ensuring a route into the development at its southern point rather than a requirement to cycle to the intended vehicular access at Coach Road.

Clarification was sought on the reference to a Secured by Design award and the required height of boundary treatments.

The Principal Planning Officer explained that Essex Police had suggested further work to address general safety concerns could be undertaken by the developers at the detailed design stage in order to achieve a Secured by Design accreditation. She also explained that boundary treatment fences were typically of two metres in height and would be the subject of consideration at the detailed application stage.

The Development Manager confirmed that, if considered appropriate, additional informatives confirming the Committee's preference for a roundabout junction enlarging the existing Nayland Road/Coach Road mini-roundabout, and for the proposed cycle route to connect to the southern end of the site at Nayland Road could be satisfactorily incorporated.

RESOLVED (UNANIMOUSLY) that: -

(i) The Assistant Director Policy and Corporate be authorised to approve the outline planning application subject to the conditions set out in the report; authority for the Assistant Director to make changes to the wording of those conditions, as necessary; two additional informatives confirming the Committee's preference for Access Option 2, a roundabout junction enlarging the existing Nayland Road/Coach Road mini-roundabout, and for the proposed cycle route to connect to the southern end of the site at Nayland Road and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide for the following:

- Affordable Housing: 30% (to include two wheelchair accessible units);
- Archaeology: A contribution towards the display and interpretation of any archaeological finds (should the development not affect any archaeological remains, a smaller contribution would still be required to integrate the information from the archaeological investigation into the Historic Environment Record);
- Community Facilities: Provision of an on-site scout hut that could also be used for wider community use (with the need to include a fallback for a monetary contribution to be made, should the Council not require the onsite facility);
- Education: A contribution towards early years and childcare and secondary education;
- Open Space, Parks and Recreation: A maintenance contribution should the public open space be adopted, requirement for Local Equipped Area for Play (LEAP) on site (confirmation that no offsite sport and recreation contribution required);
- A contribution of £122.30 per dwelling towards mitigation under the Conservation of Habitats and Species Regulations 2017 and in accordance with the draft North Essex Recreational disturbance Avoidance Mitigation Strategy (RAMS).

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, Assistant Director Policy and Corporate be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.

757 191070 Wakes Hall Business Centre, Colcheser Road, Wakes Colne, Colchester

The Committee considered a planning application for the erection of new business units (Class B1, B2 and B8) and associated parking at Wakes Hall Business Centre, Colcheser Road, Wakes Colne, Colchester. The application had been referred to the Committee because it constituted major development where an objection had been received from the Parish Council.

The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposals upon the

locality and the suitability of the proposals for the site.

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

**PLANNING COMMITTEE MEETING
WEDNESDAY, 18 DECEMBER 2019**

AMENDMENT TO SPEAKING ARRANGEMENTS:

Two of the applications to be considered at the Planning Committee meeting on Wednesday, 18 December 2019 have generated a significant amount of public interest and, accordingly, the meeting will take place in the **Moot Hall**, in the Town Hall, Colchester. In addition, the Chairman has agreed to vary the arrangements for the public to make representations to the Committee (called Have Your Say!) **for these two applications only**. The two applications concerned are:

- **LAND AT BRIERLEY PADDOCKS, WEST MERSEA**
- **THE BEEHIVE PUBLIC HOUSE , 113 BROMLEY ROAD, COLCHESTER**

DETAILS:

The changed arrangements for speaking **for these two applications only** are:

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

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

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

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

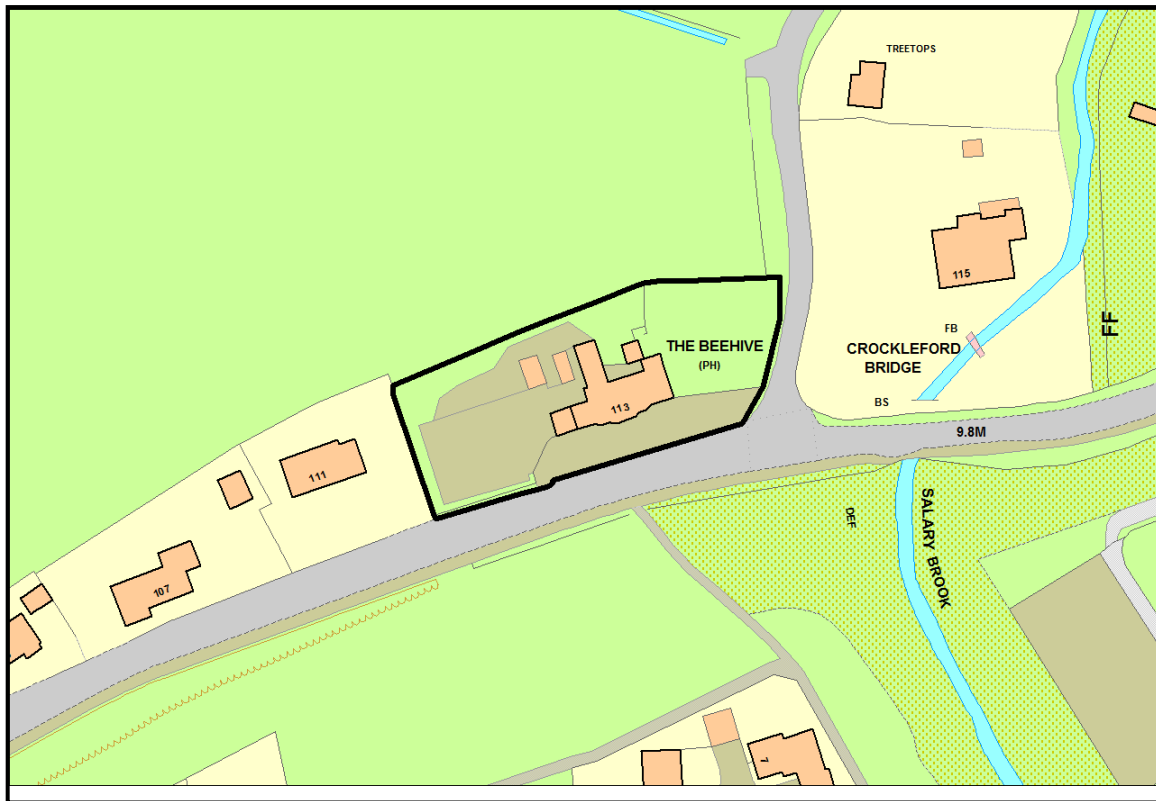
The meeting will **start at 6pm** but members of the public are encouraged to arrive in good time and we will aim to provide **access to the Moot Hall from 5.00pm**.

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

For further information about these arrangements contact:

amanda.chidgey@colchester.gov.uk

01206 282227



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Item No: 7.1

Application: 192565

Applicant: Mr Chosky

Agent: Mr Malcolm Inkster

Proposal: The application is only for a change of use of the ground floor of a building - from A4 to D1. The proposed activities will vary, but will include social and educational purposes, and place of worship. More details are included in the supporting Planning Statement.

Location: The Beehive Public House, 113 Bromley Road, Colchester, CO4 3JG

Ward: Greenstead

Officer: Benjy Firth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee due to the level of public interest shown in the application. Approximately two hundred comments have been received from members of the public, with a relatively even split between those supporting the application and those opposing it.

2.0 Synopsis

- 2.1 The key issues for consideration are whether the proposed change of use is policy compliant and whether any material harm would arise.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site is located to the east of central Colchester, sited beyond and adjacent to the settlement boundary. The site contains a two-storey building, associated outbuildings and a parking area. The site has historically and until recently, been utilised as a Public House.

4.0 Description of the Proposal

- 4.1 This application seeks permission to change the use of the ground floor of the main building from A4 (drinking establishments) to use class D1(non-residential institutions) The proposed use would include activities such as social and educational purposes, and as a place of worship. The only proposed physical alterations to the building are internal.

5.0 Land Use Allocation

- 5.1 The site does not benefit from any specific land use allocation.

6.0 Relevant Planning History

- 6.1 None applicable.

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
SD3 - Community Facilities
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
ENV1 - Environment

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP4 Community Facilities
DP10 Tourism, Leisure and Culture
DP19 Parking Standards

- 7.4 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.

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

EPOA Vehicle Parking Standards

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 The Council's Archaeological Officer made the following comments:

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

8.3 The Council's Environment Protection Team made the following comments:

Environmental Protection is concerned that the noise generated within the ground floor is likely to cause a nuisance to the residence above. It is highly unlikely that sound insulation could remedy the matter. Therefore, for the first floor to be used for residential purposes this must be ancillary to the ground floor use.

Should permission be granted Environmental Protection would recommend the following conditions;

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: Not at all

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.

Restriction of Amplified Sound:

No amplified sound is permitted outside.

All windows and doors to the outside must be kept closed other than for access and egress whilst events involving amplified sound are taking place inside the premises.

Reason: To ensure that the change of use hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise and disturbance from amplified noise, as there is insufficient information within the submitted application.

ZGG - Site Boundary Noise Levels

Prior to the installation of plant, such as air conditioning, 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 [or boundaries near to] noise-sensitive premises. The assessment shall have been made in accordance with the

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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.

8.4 Tendring District Council did not offer any comment on the application.

8.5 The Highway Authority initially issued a holding objection, requesting more information regarding on-site parking. Following the submission of this information the following comments were received:

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

The development shall not be occupied until such time as the car parking area, indicated on the amended plans, including any spaces for the mobility impaired has been marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

Immediately the site becomes available for use the proposed off-street parking strategy as described in the Note on Parking dated 28 November 2019 shall be adopted and implemented in full accord with these details and remain in effect and use by the sites occupiers thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

8.6 The HSE made the following comments:

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

8.7 Cadent Gas requested additional time to make comment.

9.0 Parish Council Response

9.1 None received.

10.0 Representations from Notified Parties

10.1 The application resulted in approximately two hundred comments from members of the public. The full text of all the representations received is available to view on the Council's website. However, a summary of the material considerations is given below:

- Contribution to the community
- Access to the general public
- Loss of community facility
- Increased traffic
- Increased noise
- Highway safety
- Hours of operation
- Detriment to character of the area
- Impacts on biodiversity and wildlife
- Pollution and sustainability

11.0 Parking Provision

11.1 Adopted policy requires 17 spaces for the proposed use and 26 spaces are provided within the submitted scheme.

12.0 Accessibility

12.1 The existing building is relatively accessible and could accommodate adaptation to increase its accessibility were this to be required by future users.

13.0 Open Space Provisions

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

- 16.1 This application seeks permission for the change of use of the ground floor of the building from an A4 drinking establishment to a D1 non-residential institution. Both the existing and proposed uses classify as community facilities. Both adopted and emerging Local Plan Policy are consistent with the National Planning Policy Framework (NPPF) in supporting the retention and enhancement of existing community facilities and encouraging multi-purpose community facilities that can provide a range of services and facilities to the community at one accessible location. Additionally, adopted policy supports the retention and enhancement of existing community facilities, where these positively contribute to the quality of local community life and the maintenance of sustainable communities in accordance with other policy requirements.
- 16.2 Policy requirements make no differentiation between various types of community facilities, but rather refer to community sites being retained for community uses. On the other hand, the NPPF does give added weight to the retention of community facilities that contribute to the community's ability to meet its day-to-day needs. However, this is not relevant in this instance.
- 16.3 In light of the above and on the basis that the proposal seeks the retention of the site for community uses, albeit of a different type. This would not constitute the loss of a community site and at worst could be considered the replacement of one community facility with another, resulting in no net loss of community facilities. The proposed change of use is therefore considered acceptable in principle.
- 16.4 The proposed change of use involves no physical alterations at the site outside of the building itself. Additionally, attendance at the site has never been restricted, in terms of numbers, nor would it be appropriate to restrict this moving forward. As such the scale or use of the site would continue to be restricted by the building's physical limitations. As a result, it is not considered that the potential scale of use differs significantly between the existing and proposed use.
- 16.5 In the absence of any external physical alterations or in increase in scale the proposal is considered acceptable, subject to appropriate conditions, in terms of it's design, impacts on public amenity, impacts on wildlife and biodiversity, and impacts on residential amenity. In this regard, limitations would be applied to any approval concerning hours of operation, amplified sound and outside activity.
- 16.6 The Council's Environmental Team have raised concern regarding the continued residential use of the upper floor of the building and how it will relate to the proposed use. A condition will be applied to any approval in this regard as per the comments made requiring the space to be used on an ancillary basis.

- 16.7 The proposal provides parking numbers in excess of the adopted minimum standard. It is also worth noting, policy requires more parking for an A4 use than a D1 use. Additionally, the Highway Authority are satisfied with the access and parking arrangements. In light of this, and the above consideration of scale of use, it is not considered that the proposal would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed change of use is therefore acceptable in this regard.
- 16.8 The degree of public access to the site has been raised within numerous consultation responses. However, neither the existing or proposed uses place any form of restriction on public access to the site. This would be a matter determined by the owner/operator of the site and does not fall within the scope of planning legislation.
- 16.9 The loss of the pub has also featured heavily within consultation response. In this regard, as previously stated adopted policy makes no differentiation between various community uses. Additionally, the pub could change uses under permitted development rights prescribed by Schedule 2, Part 3, Classes A and B of the Town and Country Planning (General Permitted Development) Order. Lastly in this regard, it is noted that the Localism Act provided communities with the opportunity to protect local assets via Neighbourhood Plans and having sites listed as Assets of Community Value. In the 8 years since the Localism Act and up to this point, the community has not sought to safeguard the pub via either of these mechanisms.
- 16.10 The contrast in the locations of commentators supporting and opposing the application and likewise existing and potential users of the site has also featured heavily within consultation responses. In this regard, access to the site has not historically been limited to those residing within a certain distance of the site, nor would it be appropriate or possible to restrict this via planning legislation. The lack of restriction in this regard is also pertinent in considering any potential increase in pollution resulting from the proposed change of use. Additionally, the term 'Local' is relative and in planning terms it is worth noting that the Local Planning Authority has jurisdiction over the entire borough and the Local Plan sets policy for the entire borough. As such, it is considered appropriate to apply a similar definition to the term 'local community'.

17.0 Conclusion

- 17.1 To summarise, the proposed change of use is compliant with adopted national and local policy, and in the absence of any demonstrable harm is considered acceptable.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. Time Limit for Full Permissions

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

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

2. Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers P01, P05, P10 and P20F. 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: 8am – 6pm

Saturdays: 8am – 1pm

Sundays and Bank Holidays: None at all.

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. Car Parking

The development shall not be occupied until such time as the car parking area, indicated on the amended plans, including any spaces for the mobility impaired has been marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5. Car Parking

Immediately the site becomes available for use the proposed off-street parking strategy as described in the Note on Parking dated 28 November 2019 shall be adopted and implemented in full accord with these details and remain in effect and use by the sites occupiers thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

6. Residential Use

The upper floor of the building shall only be occupied for residential purposes ancillary to the use hereby approved.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use.

7. External Noise

No amplified sound shall be played outside of the building.

Reason: To ensure that the change of use hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise and disturbance from amplified noise, as there is insufficient information within the submitted application.

8. Internal Noise

All windows and doors to the outside must be kept closed other than for access and egress whilst events involving amplified sound are taking place inside the premises.

Reason: To ensure that the change of use hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise and disturbance from amplified noise, as there is insufficient information within the submitted application.

9. Site Boundary Noise Levels

Prior to the installation of plant, such as air conditioning, 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 [or boundaries near to] noise-sensitive premises. 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.

10. *Restriction of Hours of Operation*

The use hereby permitted shall not operate outside of the following times:

Weekdays: 8am -11pm

Saturdays: 8am – 11pm

Sundays and Public Holidays: 8am – 11pm

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

19.0 Informatives

19.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

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

**PLANNING COMMITTEE MEETING
WEDNESDAY, 18 DECEMBER 2019**

AMENDMENT TO SPEAKING ARRANGEMENTS:

Two of the applications to be considered at the Planning Committee meeting on Wednesday, 18 December 2019 have generated a significant amount of public interest and, accordingly, the meeting will take place in the **Moot Hall**, in the Town Hall, Colchester. In addition, the Chairman has agreed to vary the arrangements for the public to make representations to the Committee (called Have Your Say!) **for these two applications only**. The two applications concerned are:

- **LAND AT BRIERLEY PADDOCKS, WEST MERSEA**
- **THE BEEHIVE PUBLIC HOUSE , 113 BROMLEY ROAD, COLCHESTER**

DETAILS:

The changed arrangements for speaking **for these two applications only** are:

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

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

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

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

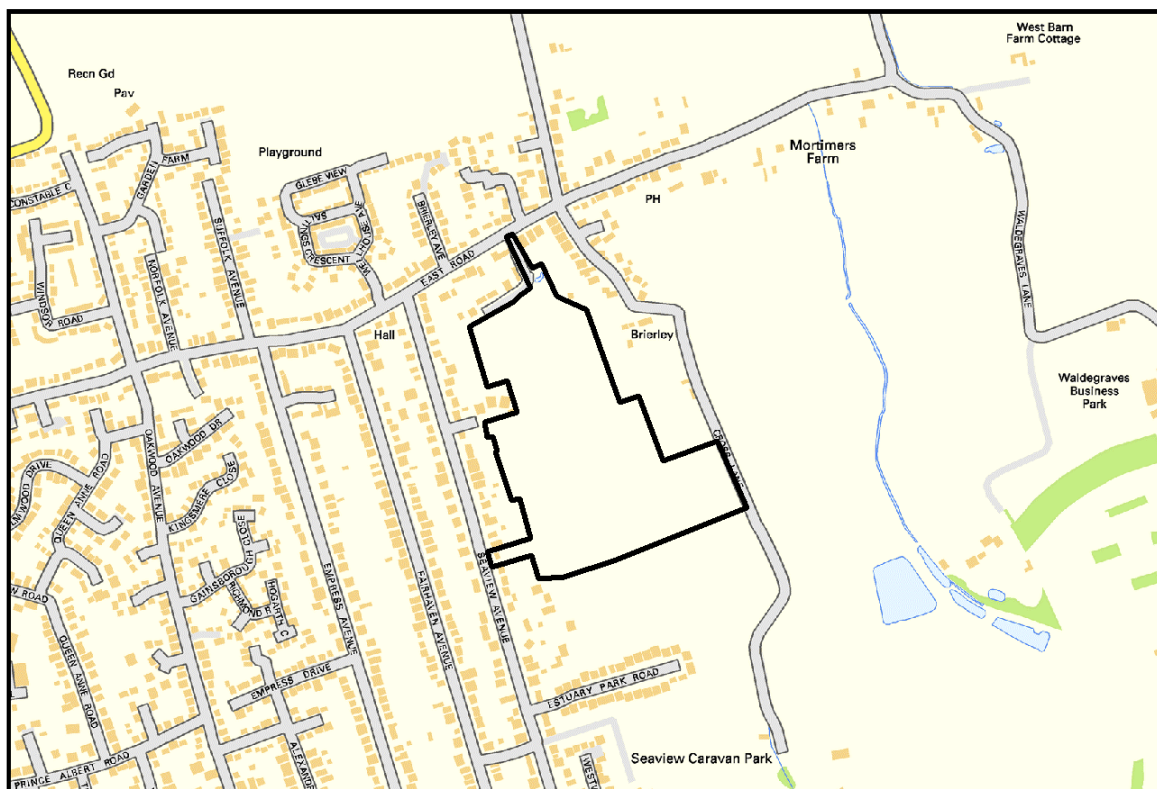
The meeting will **start at 6pm** but members of the public are encouraged to arrive in good time and we will aim to provide **access to the Moot Hall from 5.00pm**.

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

For further information about these arrangements contact:

amanda.chidgey@colchester.gov.uk

01206 282227



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Item No: 7.2

Application: 192136
Applicant: City and Country
Agent: Mr Richard Clews, Strutt and Parker
Proposal: Demolition of 1 dwelling (No. 43 Seaview Avenue) and erection of up to 101 dwellings and up to 0.5ha of D1/B1 commercial use with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs), vehicular access from East Road and pedestrian/cycle access from Seaview Avenue.
Location: Land at, Brierley Paddocks, West Mersea
Ward: Mersea & Pyefleet
Officer: James Ryan
Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the scheme is a departure from the Adopted Development Plan and approval is recommended.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of development and the impact of the proposed access. Whilst this site is not allocated in the Adopted Development Plan, it is allocated for 100 dwellings in the Emerging Local Plan. As is discussed in detail in the report below, following careful consideration it is considered that it is appropriate to bring this site forward ahead of the Examination in Public (EiP).

- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site is located at Brierley Paddocks, West Mersea. The site sits outside of, but adjacent to the defined settlement boundary of West Mersea in the adopted Colchester Local Plan Proposals Map. However, it is within the settlement boundary in the emerging Colchester Local Plan (elp) and is allocated for a residential-led mixed use development.
- 3.2 The site measures 9.2 hectares and is currently in agricultural use. The site also incorporates 43 Seaview Avenue which is located to the east of the site set within a residential avenue. There is some planting in the form of established hedgerows and trees at the boundaries of the site.
- 3.3 The site is bounded on three sides by residential dwellings with Seaview Holiday Park to the south, which comprises approximately 90 static holiday caravans. The surrounding area is predominately residential. The surrounding dwellings comprise a mixture of semi-detached and detached, one storey, two storey and two and a half storey dwellings. The majority of dwellings are of 20th Century construction.
- 3.4 The site can currently be accessed from Brierley Paddocks leading from East Road. The scheme also proposed an additional access from Seaview Avenue to serve the site from the west. Both accesses are explored in the report below but the East Road access is existing and the Seaview Avenue pedestrian/cycle access requires the removal of an existing dwelling on Seaview Ave (number 43).
- 3.5 The site is within Flood Zone 1. The site is at a low risk of fluvial or tidal flooding and in accordance with the Technical Guidance that accompanies the NPPF, it is consequently suitable for all types of development from a flood risk perspective.

- 3.6 The site is not within any areas designated for their ecological importance but is close to areas that are designated. The site is located some 400m north of The Essex Estuaries Special Area of Conservation (SAC), which surrounds the island of Mersea. The site is also located approximately 1.9km south of the Colne Estuary Special Protection Area (SPA), National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI).
- 3.7 The site is not within or adjacent to a Conservation Area. To the north of the site is Brierley Hall, a Grade II Listed House built around 1800. An early C19 red brick garden wall to the northeast of Brierley Hall is listed (Grade II). Two C17 timber framed barns to the south of Brierley Hall are also Listed (Grade II). These buildings are within the urban environment of Mersea and are viewed as part of the settlement.
- 3.8 The site is located within 1 mile of the settlement centre of West Mersea, which provides a number of local services and facilities, such as local shops, restaurants, a church and a community and sports centre.

4.0 Description of the Proposal

- 4.1 The scheme is an outline application with access included for consideration. It involves the demolition of a single dwelling (No. 43 Seaview Avenue) and erection of up to 101 dwellings and up to 0.5ha of D1/B1 commercial use with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs), vehicular access from East Road and pedestrian/cycle access from Seaview Avenue.

5.0 Land Use Allocation

- 5.1 The site is not currently allocated in adopted Local Plan. It is allocated for development under policy SS12a of the emerging Local Plan (2017-2033).

6.0 Relevant Planning History

- 6.1 A similar Application for 201 dwellings (or ref: 190200) was refused earlier in the year on the basis of prematurity, scale, the impact of the Seaview Road access on neighboring amenity and the lack of legal agreement to secure the planning obligations required to mitigate the impact of the development.

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
- 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
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities
- ER1 – Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP23 Coastal Areas

- 7.4 The West Mersea Neighborhood Plan is in the process of being drafted but is not at a point where a draft has been made public nor can be afforded weight.

- 7.5 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) for examination. 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.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime

8.0 Consultations

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

8.2 Anglian Water

The local system has capacity to meet the needs of this development. No objections are raised.

8.3 Arboricultural Officer:

No objection to the scheme.

8.4 Archaeological Adviser

An adequate archaeological evaluation has been undertaken for this proposed development site. This investigation has defined extensive archaeological remains across the development site, and in particular concentrated in the southern half of the site (Archaeological Solutions Report 5858, revised 1 August 2019). Groundworks relating to the application would cause 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. An archaeological condition therefore is recommended.

8.5 Cadent Gas

Pipelines in vicinity - Informative requested.

8.6 Contaminated Land Officer:

Re: Delta Simons, 'Preliminary Geo-Environmental Risk Assessment, Brierley Paddock, West Mersea, Issue 2, Final, Ref. 17-0806.01, dated 070519

The above report has been submitted in support of this application. This is a satisfactory report for Environmental Protection's purposes. I note that it has been concluded that there is a low risk that widespread contamination remediation will be required to protect proposed end users. Some recommendations have been made, including undertaking a limited environmental investigation to confirm the assumptions made.

However, based on the information provided, it would appear that the site could be made suitable for the proposed use, with potential contamination matters dealt with by way of condition.

Consequently, should this application be approved, we would recommend inclusion of the planning conditions.

8.7 Emergency Planner

CBC Emergency Planning have a plan which covers major emergencies for Colchester which would obviously cover West Mersea but nothing specifically in the eventuality of an unplanned occurrence at Bradwell.

8.8 Environment Agency

No objection on the basis that the applicant will be connecting to the main sewer system. (The applicant has confirmed this to be the case).

8.9 Environmental Protection:

No objections, conditions requested.

8.10 Essex County Fire and Rescue

No comment received.

8.11 Essex County Council Emergency Planning

We defer to your own in-house Emergency Planning Team.

8.12 Essex Police

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. From experience pre-planning consultation is always preferable in order that crime prevention through environmental design is incorporated into the proposed design to ensure that the security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development.

8.13 Essex Wildlife Trust:

No comments received.

8.14 Highway Authority:

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

8.15 Historic Buildings and Areas

The application includes the same Heritage Impact Assessment that was submitted for application 190200. On the basis of that information, the comments and recommendation on the development of the site in principle remain the same.

It is noted that these comments form the basis of the 'Heritage Implications' section of the report below.

8.16 Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

8.17 Landscape Officer

No objection subject to conditions for full details of landscape works and landscape management plan.

8.18 Lead Local Flood Authority

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

8.19 Natural England

No comments received.

8.20 NHS

See full letter dated 03/09/19 on system. No objection – financial mitigation requested as will be set out below.

8.21 Office for Nuclear Regulation

No comment to date.

8.22 Planning Policy

Detailed response provided setting out adopted policy and emerging policy position. The assessment of the planning policy position will be set out in the main body of this report in the 'Principle of Development' section.

8.23 Private Sector Housing

There does not appear to be any proposed plans for the dwellings, so no specific comments from PSH.

8.24 Ramblers Association

No comments received.

8.25 RSPB

No comments received

8.26 Urban Design

No objection to the scheme given the outline nature of the application, the site isn't particularly constrained (i.e. it's able to accommodate various layout approaches and options which can be explored through reserved matters) and the layout shown in the Illustrative Masterplan appears quite broad-brush and indicative at this stage.

9.0 Parish Council Response

- 9.1 West Mersea Town Council recommends that consent is NOT granted to this planning application for the following reasons:

Prematurity:

In the National Planning Policy Framework (NPPF) February 2019 paragraphs 59-60 (page 14) premature applications are specifically discussed.

The Colchester Borough Council (CBC) Emerging Local Plan is at an advanced stage, it has already been submitted, therefore the justification to refuse is clearly given in paragraph 49 as both sub terms a). "...to grant permission would undermine the planning process..." and b). "the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area" are fulfilled.

The West Mersea Neighbourhood Plan has now progressed to preparation of a Draft Plan and granting permission for this application would therefore "prejudice the outcome of the plan making process" – NPPF February 2019 paragraph 60 (page 15).

Lack of Conformity:

This application is in conformity with the CBC Emerging Local Plan. However, it is not in conformity with the developing West Mersea Neighbourhood Plan which is following the NPPF February 2019 paragraph 29 (page 10) and respective footnote (16).

Traffic impact:

West Mersea Town Council considers that the revisions would result in a detriment to the community with the amendment proposing just the single vehicular access point from East Road. This will have the effect of 'kettling' significant increases in traffic accessing the site via Dawes Lane and East Road.

10.0 Representations from Notified Parties

- 10.1 This scheme has generated significant public interests with 389 representations (some from the same address) made in objection or were general comments noting concern. Some were in the form of a standard letter. Representations were also received from the Local Plan Group and from 'Stop 350'. The representations can be read in full online however in summary they objected to the scheme for the following reasons:

- The Emerging Plan has not been Examined yet.
- This scheme is premature.
- The scheme undermines the Emerging Plan and Neighbourhood Plan.
- The Council should be confident in its five-year housing supply.

- The Council should wait for the garden communities.
- Mersea is at capacity.
- The road network can't cope.
- The other facilities on the island can't cope, for example schools/doctors/dentists.
- There is no Police presence on the island.
- The Fire Service is very limited.
- Colchester Hospital is 10 miles away.
- Mersea is an Island!
- Mersea is already overpopulated.
- The caravan parks cause a huge spike in seasonal population.
- There are many retired people on Mersea
- One hundred is too many dwellings.
- Scheme will be materially harmful to my amenity.
- The Council were previously concerned with the amenity of Seaview Road residents but the access onto East Road is far closer to the dwellings on Brierley paddocks.
- The Seaview access will bring a great deal of traffic down this sleepy seaside avenue for no reason.
- Harm to the caravan site to the south.
- Harm to amenity.
- Loss of good agricultural land.
- The consultation exercise has not changed anything.
- The water treatment plant cannot cope with 100 more houses.
- The Doctor's surgery can't cope and is highly oversubscribed.
- This will destroy wildlife.
- Harm to the Coastal Protection Belt.
- Mersea Homes want to build 100 dwellings at Dawes Lane.
- Approving this would set a dangerous precedent for other speculative proposals.
- Are we really doing this again?
- Why demolish 43 Seaview if there is only a pedestrian access there?
- The removal of the vehicular access will not stop people parking in Seaview Ave and will create issues with the East Road access.
- The access to the north (East Lane) cannot be delivered due to land ownership issues.
- The LPA need to consider the implications of Bradwell Power Station and a potential new Nuclear Power Station on the same site.

11.0 Parking Provision

- 11.1 The application is for outline permission only and the detailed proposals will be established at reserved matters stage. The reserved matters proposals would need to adhere to adopted parking standards. In this instance there is held to be more than sufficient space on site for complete compliance with the minimum standards for residential development including visitor parking and cycle parking.

12.0 Accessibility

- 12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not give rise to any concerns regarding discrimination or accessibility at outline stage. Detailed proposals will be established at reserved matters stage and will need to be considered under the Equality Act.

13.0 Open Space Provisions

- 13.1 Indicative frameworks and landscape masterplans have been submitted with the application which indicate large amounts of open space - 2.8ha is suggested by the applicants. In policy terms least 10% open space would be required in accordance with both adopted and emerging local plan policies but the site has the potential to provide more.

14.0 Air Quality

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

15.0 Planning Obligations

- 15.1 This application classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team and it is considered that the following Planning Obligations should be sought from the Developer via Section 106 (s.106) of the Town and Country Planning Act 1990.

Archaeology: £18,150.00 for display case and display of finds.

Parks & Rec: this development generates an off-site contribution of £483,498.00- However it is estimated 2.8 of hectare of open space is being provided, and a NEAP standard playground. An adult gym should also be provided Subject to the provision of these onsite facilities there would be no offsite Contribution required. A maintenance sum would be required if CBC were to adopt and maintain the open space.

Community £168,652.00- West Mersea Town Council have identified the need for a multiuse community facility with changing rooms at the Glebe Sports Ground.

NHS-£59,027.00 The Mersea Island Practice does not have capacity to accommodate the additional growth resulting from the proposed development, additional improvement requirements to meet growth by way of refurbishment, reconfiguration, extension or other solutions of benefit to patients.

Affordable Housing:30% affordable housing is based on the requirement in the emerging local plan but the provision of “gifted” properties as part of the affordable housing provision is not supported, tenure mix would be expected to be no less than 80% affordable rent and no more than 20%

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intermediate shared ownership. 3 95% of the affordable homes should meet a minimum of Building Regulations 2015 Part M Category 2 and 5% of the homes to meet Building Regulations 2015 Part M Category 3 (2) (b). A minimum of one dwelling to be Part M4 Cat 3 (2) wheelchair standard.

Highways: Requirements conditioned and delivered either as part of site or by a S278 agreement. A. Upgrade to current Essex County Council specification the two bus stops which would serve the proposal site (details to be agreed by LPA) B. For the non-residential element of the proposal if there are 50 employees or more a Travel Plan in accordance with ECC guidance. C. For the residential element of the proposal Residential Travel Information Packs in accordance with ECC guidance. This can be dealt with via a condition.

Not part of the Development Team process but to be secured by legal agreement is the £12,250 **RAMS** contribution.

It must be noted that the developers have not yet agreed to all of the requests above. They do not agree to the provision of the adult gym nor do they accept the affordable housing provision relating to accessibility in excess of Building Control requirements. This is because following the clarity afforded to decision makers in the recent the Supreme Court decision in R (Wright) v Resilient Energy Severndale Ltd & Forest of Dean District Council (Supreme Court, 20 November 2019) compliance with the CIL regulations is more important than ever. In short, if any of the contributions above are not held to comply with the CIL regulations, a decision could be challenged in the courts and could potentially be quashed. This is true even if the developer has clearly agreed to the planning obligation.

On that basis it is requested that Members delegated the negotiation of the planning contributions to officers if they are minded to resolve to approve this scheme. This may involve taking it back to Development Team if need be.

16.0 Report

- 16.1 The main considerations in this case are: the principle of development and the highway safety and impact on the road network. This will also explore the impact on Trees, Flood Risk/Drainage/SUDs, impact on Heritage Assets, Ecology and the landscape amongst other issues as set out below.

Principle of Development

- 16.2 The Planning Policy Team have dealt with the Principle of the Development and therefore their response is set out in full below:

- 16.3 The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging Local Plan are relevant. The relationship of the proposal to each of those plans and the compliance with relevant adopted and emerging policies together with the 2019 NPPF are accordingly key variables in assessing the 'planning balance'. The Council considers that it has a 5-year housing land supply and therefore there is no need to apply the tilted balance principle.
- 16.4 It is considered that the fundamental principles of both the Adopted and Emerging Local Plans are compliant with the new NPPF. The analysis below will consider whether there are any relevant non-compliant elements of CBC policy with the NPPF that justify a reduction in the weight to be given to the policy in assessing the planning balance in this case. For the Emerging Local Plan, the following analysis reflects the NPPF criteria on the weight to be given to policies, which depends on the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the Framework (see paragraph 48). In terms of the first criteria, the ELP is in the examination stage so can be given some weight
- 16.5 West Mersea TC are also preparing a Neighbourhood Plan although in the early stages of preparation so can be afforded limited weight in the context of the Development Plan.

Adopted Local Plan

- 16.6 The NPPF continues to support the Policy approach in the Adopted Local Plan in principle, in respect of the key policies on settlement hierarchy relevant to this proposal, SD1 and ENV1. As the Council is able to demonstrate a 5 year housing land supply these policies are relevant to the decision making on this proposal. Policy SD1 accords with Paragraphs 10-12 of the 2019 NPPF which provide for a presumption in favour of sustainable development. Policy SD1 is consistent with the NPPF's approach to decision-taking which entails approving proposals that accord with the Local Plan unless material considerations indicate otherwise, and which involves the LPA working proactively with applicants. It is noted, however, that the housing and jobs target provided in the policy no longer remain current. Whilst the supply figure itself may be out of date the principle of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded. SD1 includes West Mersea as a 'District Settlement' which lies below Colchester Town/Stanway and above Rural Communities in the spatial hierarchy. Development in the plan period was however, primarily focused on the top tier with only limited development directed to the District Settlements. Policy H1 provided for 280 units to be allocated in West Mersea in the 2001-21 plan period.

- 16.7 Since the proposal falls outside the settlement boundary for West Mersea, policy ENV1 covering the countryside outside settlement boundaries is relevant. The requirements of policy ENV1 for the conservation and enhancement of Colchester's natural and historic environment is in accordance with paragraph 170 which clearly recognises the intrinsic character and beauty of the countryside and demonstrates that planning policies should contribute to and enhance the natural local environment via protection, maintenance, and preventing unacceptable risk. It is considered that the criteria-based approach of ENV1 accords with the more flexible approach to countryside development adopted in the NPPF.
- 16.8 Based on the protection afforded to land outside Settlement Boundaries (SBs) and outside of the most sustainable locations in SD1 and ENV1, the proposal is not considered to be compliant with these policies. While Policy ENV2 on rural Communities covers rural exception sites, it is of no relevance to this specific proposal which is not based on the rural exception principle. Other policies are relevant to the proposal including those relating to affordable housing and design and layout, but no comment is made in respect of most of these in this response as it is focusing on the key policy principles.

Emerging Local Plan (ELP)

- 16.9 The NPPF also advocates consideration of other factors including emerging local plans which can be afforded weight when they reach an advanced stage of preparation. In this respect Paragraph 48 states that authorities may give weight to emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies (and the significance of these objections - the less significant the greater the weight that can be given) and the degree of consistency of the relevant policies to the NPPF (the closer the policies are to policies in the NPPF the greater the weight that may be given). Testing these criteria will inform the judgement about the weight which should be afforded to the emerging Local Plan in this case.
- 16.10 In terms of Paragraph 48(a) of the NPPF, the ELP is considered to be at an advanced stage having been submitted in 2017 with examination commenced in January 2018.
- 16.11 Amongst other matters, the ELP seeks to allocate additional land to meet the housing target up to 2033 of 920 homes per year on sites which are in accordance with the revised Spatial Strategy (SG1).
- 16.12 While the Adopted Local Plan included the 3 District Centres only in the second tier below the urban area of Colchester, the Emerging Plan provides for a wider scope of development in 17 Sustainable Settlements, including West Mersea. Policy SS12a proposes the allocation of land for 200 dwellings on 2 sites in West Mersea. Land at Dawes Lane is allocated to provide 100 dwellings and Land at Brierley Paddocks to also provide for 100 units as part of a mix of uses to be informed further by the Neighbourhood Plan.

- 16.13 The proposed allocation policy SS12a is of particular relevance providing a different policy context than the Adopted Local Plan. The relevant policy wording is set out below;

Policy SS12a: West Mersea

In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the areas identified on the policies map, which contributes towards expanding Mersea Island Primary School, provides suitable landscaping to screen the development to minimize any negative impact on the surrounding landscape and protect the open rural character of land within the Coastal Protection Belt, and meets the requirements for each site indicated below. Housing on both sites should address local needs which will be detailed in the Neighbourhood Plan but are likely to include starter homes and single storey dwellings.

Brierley Paddocks

Development will be supported which provides:

- (i) 100 new dwellings of a mix and type of housing to be compatible with surrounding development;*
- (ii) A satisfactory vehicular access;*
- (iii) New public open space; and*
- (iv) Community facilities if identified in the Neighbourhood Plan.*

This policy should be read in conjunction with the generic Neighbourhood Planning Policy SG8 and the West Mersea Neighbourhood Plan, once adopted.

- 16.14 The Spatial Strategy Policy SG1 and Policy SS12a are aligned with the NPPF as follows:

- Paragraphs 15 and 16 of the NPPF reinforce that development should be plan led and contribute to the achievement of sustainable development.
- Paragraphs 18 and 28 outline that Local Plans should include non-strategic policies which provide more detail for specific areas and types of development.
- Paragraph 59 of the Framework reiterates the Government objective of increasing the supply of homes.
- Policy SS12a is one of a number which allocates sites for residential dwellings within Sustainable Settlements as identified by the Spatial Strategy. While the site lays within the Coastal Protection Belt, a limited reduction in its extent at the edge of the urban area of West Mersea was considered justified following Sustainability Appraisal and site assessment work to deliver required development land.

- 16.15 The key policies in the emerging Local Plan relevant to this scheme are accordingly considered to be highly consistent with the NPPF and should therefore be afforded considerable weight.

- 16.16 The final issue to be considered when considering the weight to be afforded to the ELP is the level of unresolved objection to the relevant policies. Accordingly, further consideration of the issues raised in representations to Policy SS12a is necessary to guide the judgement of the weight which should be given to the emerging policy in this case. There were 85 representations received to Policy SS12a. Additionally, 1163 people signed a petition submitted by Stop 350 objecting to the housing allocations. The key issues raised are summarised below;

Development on Mersea Island Policy SS12a

- inadequate infrastructure and community facilities (highways, education, health and water) to support the development;
- additional pressure from the increased seasonal population at the caravan parks on Mersea Island (2200 caravans, some occupied permanently);
- plan proposal is not based on sound or accurate data; lack of proper consideration of Mersea's unique island status and the constraints this imposes on its ability to expand;
- breach of Coastal Protection Belt objectives;
- adverse environmental impacts (wildlife and heritage) and
- concerns about the safety of residents in the event of a nuclear emergency at Bradwell Nuclear Power Station.

- 16.17 The following Additional Comments specific to the Brierley Paddocks Site were also raised;

- Private access – access to site questioned;
- Impact on Listed Building (Brierley Hall).

- 16.18 While the site is allocated for development in line with the scale of development proposed for Sustainable Settlements and the level of development proposed for this site as per the allocation in the emerging local plan, the level of objection to this in response to the regulation 19 consultation was significant. While some of the objections could be addressed and therefore resolved, through mitigating measures and /or planning obligations, others are more about the principle of development and capacity of the Island's infrastructure to accommodate the growth planned through the ELP. Having regard to this, the representations which potentially remain unresolved are those relating to the principle of development and the capacity of the Island's infrastructure to accommodate this and other planned growth in the ELP. It is relevant to consider whether these matters alone are material to the weight to be afforded to the ELP. Paragraph 48 (b) is relevant stating; *"the extent to which there are unresolved objections to the relevant policies (the less significant the unresolved objections, the greater the weight may be given)"*. The objections relating to the principle of development (including capacity) at West Mersea also relate to the Spatial Strategy in Policy SG1. It is also relevant to consider whether the concerns raised by these objections, relating to the principle and level of development based on the capacity of the infrastructure to accommodate the proposed development,

can be addressed by provisions of the application and mitigation which may be secured as part of any permission. The need for thorough consideration of these issues is further enhanced by the local concerns expressed through the Local Plan representations and the planning application objections regarding the capacity of the infrastructure to accommodate the growth planned including, that proposed in the application.

Infrastructure capacity concerns

- 16.19 The key concerns regarding infrastructure capacity appear to relate to traffic; community facilities - particularly health and education; sewage and flooding. In addition, concerns are expressed about the ability of emergency services to reasonably respond to accidents / other emergencies due to the constraints especially when there is a high tide. The response from the relevant infrastructure providers is therefore an important consideration in weighing up the balance to be afforded to these issues. These are summarised below;

16.20 Infrastructure providers response to the planning application

Highways- The Highway Authority have not raised any concerns and have indicated that the access arrangements proposed are acceptable.

NHS / CCG – NEE CCG acknowledges that there are capacity issues currently and that mitigation would be required and request the land identified as D1/ B1 use to be gifted to support the provision of health facilities or for a financial contribution to be made. No comments regarding ambulance service.

Environment Agency- No objection has been made to the application

Anglian Water- Confirm they have the capacity to deal with the new dwellings.

Essex County Council – Lead Flood Authority- Do not object subject to implementation of the proposed SUDs strategy and standard conditions associated with this being secured to any consent

Essex County Council – Local Education Authority - No comment and no request for contributions received. This is confirmed by the relevant Development Team minute and a follow up e-mail.

Emergency Services – No response specifically to the application – West Mersea has an “on-call” fire station, and data in the website indicates that in 2017/18 a total of 49 incidents occurred including 17 false alarms and 17 special incidents (which includes road traffic collision, animal rescue and dealing with hazardous materials and flooding).

- 16.21 Although there have been no specific responses to the application from the emergency services they did help inform the Infrastructure Delivery Plan which was produced to support the Local Plan and includes input

from all infrastructure providers. Essex Police stated "the delivery of growth and planned new development in the borough would impose additional pressure on the Essex Police existing infrastructure bases, which are critical to the delivery of effective policing and securing safe and sustainable communities. Essex Police has confirmed that it does not require any site-specific new infrastructure to address the needs arising from growth. Rather, it requires the refurbishment of the existing police estate from which police staff can operate. The specific nature of any requirements will need to be assessed on a case-by-case basis." Essex Fire and Rescue Service stated "that it does not have any needs arising from growth". The East of England Ambulance Service NHS Trust operates ambulance services in Colchester Borough. They stated "that it has no specific infrastructure needs to support growth. Its services are funded from the North Essex Clinical Commissioning Group based on historic emergency call data. This data is reviewed annually and changes in provision are made accordingly."

- 16.22 The response of the Infrastructure providers to the planning application and the Local Plan is the best measure of the extent to which there is capacity for the planned growth. This also provides the context for considering whether any objections to the Local Plan proposals remain unresolved, since those relating to the principle of development, are intrinsically linked to the capacity of the infrastructure to accommodate the planned growth.
- 16.23 In principle community infrastructure including provision of public open space and capacity at the GP practice can be adequately addressed through mitigation and the proposed provisions of the application. Specifically, 0.5ha of land for D1/B1 use could provide the opportunity for relocation of GP facilities into a purpose-built building.
- 16.24 Given the significance of the need to address concerns regarding infrastructure capacity and ensure satisfactory mitigation is provided, this issue is considered below in more detail.
- 16.25 The application proposes a mix of uses which provides the opportunity for many of the community infrastructure requirements to be delivered. The Outline Application comprises the following proposals:
- Demolition of No.43 Seaview Avenue to provide cycle and pedestrian access to the site.
 - Development of 101 dwellings (a net increase of 100 dwellings).
 - Indicative housing mix of 2, 3 and 4 bedroom dwellings.
 - Potential to include bungalows and retirement flats.
 - Dwelling heights of 1-3 storey, with predominately 2/2.5 storeys.
 - Provision of approximately 2.8ha of public open space.
 - Provision of approximately 0.5ha of D1/B1 commercial/community use that is indicatively shown to the north east of the site.
 - Indicative provision of linear park and circular walk within the site.

- Provision of one point of access from an upgraded access from East Road/Brierley Paddocks
- Provision of buffer planting
- Provision of green space to protect the neighbouring heritage assets.

16.26 The Planning Statement also indicates that 30% affordable housing would be delivered as well as contributions to cover mitigation for health provision and RAMs contribution to meet the requirements of the Habitats Regulations Assessments, secured by section 106.

16.27 Based on the proposals set out above, it appears that all of the infrastructure providers are satisfied that there is capacity to accommodate the development proposed or that mitigation can be secured to address the identified issues. The NEE CCG has commented that if this land is gifted it could be considered to provide Health services within a community facility in line with policy. This is an important element of infrastructure that is required on the island and this site provides the opportunity to deliver such facilities. A suitable site on the island has not been identified in more than a decade and this allocation represents an opportunity to address the need. The applicants would rather make the financial contribution than gift the land. This would not stop the provision of a health centre on the site if an agreement between the NHS and the applicants could be agreed in the future however.

16.28 It is therefore considered that in terms of Paragraph 48(b) of the NPPF the Emerging Local Plan can be afforded significant weight.

West Mersea Neighbourhood Plan (NHP)

16.29 A Neighbourhood Plan Area was designated in September 2016 responding to a request from the West Mersea Town Council as the Qualifying Body (QB). Considerable work, including evidence gathering and plan drafting has been undertaken by the QB and more recently a Consultant has been appointed to support the group on moving forward as expediently as possible. It is anticipated that a Draft Plan will be available for consultation early in the new year. Due to the timing and the content of the ELP, the scope of the NHP will not include the allocation of housing sites. The allocation policies in the ELP, do however, reflect that the NHP will have a role in influencing many aspects of development proposals including the application site in respect of housing mix and type, open space and community facilities. Whilst the stage of preparation of the NHP cannot be said to be advanced, good progress is being made and it is expected that this will continue moving forward to the stage of publishing a Draft Plan. It is understood that the Plan will look to provide a greater steer on the detail of housing types and the nature and location of community facilities which are required and appropriate for delivery through development on this site and the other allocation in the Local Plan. As this application is for outline permission with all matters other than access being the subject of a reserved matters application in the future, the NHP should have the opportunity to further influence these details assuming, sufficient progress on the NHP is

made. The extensive work of the QB and engagement with the local community is valued and it is appropriate that it may inform some of the detailed elements of planning for the site.

Planning Balance

- 16.30 The Adopted Local Plan did not include the application site as an allocation, so it is contrary to policies SD1 and ENV1 restricting development outside development boundaries. The Council maintain that both of these key policies remain up-to-date in so far as they are relevant to this application. The applicant references the West Bergholt appeal decision in which the decision concluded that these policies were not up-to-date despite acknowledging that some elements of the policies are generally consistent with the NPPF. The Council holds the view that those elements which are up-to-date are most relevant to this application and therefore contends that they key policies are not out-of-date. It is the council's view therefore that paragraph 11(d) is not engaged.
- 16.31 It is also the case that the Council is able to demonstrate it has a 5 year housing land supply. The updated Planning Statement supporting this application refers to the West Bergholt decision in which the Inspector concluded that the council was not able to demonstrate a 5 HLS. Whilst this correctly identifies the Inspector's conclusion, the Council does not accept this and has written to the Planning Inspectorate. A response is awaited. The Council considers that there was evidence available to justify inclusion of the sites the Inspector did not include, and the progress made on several of those sites in the interim proves this to be the case. Further evidence to support this has been presented to two subsequent planning appeals;
- Land at Barbrook Lane, Tiptree, the decision of which is awaited following its recovery by the Secretary of State.
 - Alumno scheme, Queen Street – appeal to be determined.
- 16.32 Furthermore, the most recent appeal decision for a site at Marks Tey confirms that the Council can demonstrate a 5 year Housing Land Supply (APP/A1530/W/19/3230908). As the Council is able to demonstrate a 5 year HLS paragraph 11(d) of the NPPF is not engaged.
- 16.33 It is also relevant to consider the extent to which the application is compliant with the ELP. Policy support for any proposal is unlikely to be afforded unless it is fully compliant with all of the relevant emerging policy requirements as indicated in the ELP. In the case of this site, the specific infrastructure requirements are set out in the allocation policy 12a (above) with other requirements including matters such as RAMs and safeguarding impacts on heritage assets included in other policies in the ELP. All matters other than access are subject to a reserved matters application, enabling details including the distribution of uses, safeguarding any impacts of the listed building and its setting and layout etc to be addressed and further considered at that time.

- 16.34 Although this is an outline application, with all matters reserved except for access, it includes a parameter plan illustrating the proposals. The proposed access is acceptable to the Highways Authority and therefore complies with this requirement in the ELP policy SS12a. Other provisions include open space, and an area of land reserved for D1/B1 use which could provide the opportunity for the Medical Centre to relocate. The policy points to the Neighbourhood Plan for more details in respect of community facilities, the content of which is still to be confirmed. However, the grant of outline permission will not prevent the Neighbourhood Plan from further informing detailed elements including the community facilities.
- 16.35 Having regard to the extent to which the objections specific to the site can be resolved through this planning application, the fact that there are no objections from any of the relevant infrastructure providers, it must be the case that objections relating to the principle of development and the capacity of West Mersea to accommodate the level of growth proposal cannot be considered as unresolved.
- . Furthermore, appropriate mitigation can be provided with detailed issues to be addressed through reserved matters, it is therefore considered that the ELP can be afforded significant weight. Paragraph 49 (a) of the NPPF (which indicates where prematurity can reasonably justify a reason for refusal of planning permission) cannot therefore be said to apply it states *“the development proposal is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location and phasing of new development that are central to the emerging plan”*.
- 16.36 In respect of the NHP, the Council would not wish to frustrate the progress on this plan or undermine its role in influencing the details of the proposed development in the NHP. It cannot be said to be at an advanced stage of preparation and in any event, it is not intended that the NHP will be allocating any housing sites. It is however considered entirely appropriate for the NHP as it advances to inform key elements of a reserved matters application in accordance with the ELP policy and granting outline permission would not prevent this happening. The NHP has not progressed to a stage where it is considered it could be used to justify a recommendation of refusal on prematurity grounds.

Conclusion

- 16.37 The proposed development is contrary to the Adopted Local Plan in particular Policies SD1 and ENV1, both of which are considered to be up-to-date in so far as they are relevant to this application. In addition, the Council is able to demonstrate a 5 year HLS. Paragraph 11(d) of the NPPF is therefore not engaged.
- 16.38 The ELP is considered to be relevant to this decision since it changes the planning context for the application site through a proposed site allocation. It makes up one of two sites proposed to accommodate planned growth for West Mersea with the key requirements set out in Policy SS12a. In respect of Paragraph 48 of the NPPF, it is considered that the ELP can be given significant weight due to its stage of preparation, consistency with the NPPF and limited unresolved objections. This is supported by the responses to this application from the infrastructure providers which suggests that there is capacity for the development with mitigation where appropriate.
- 16.39 In addition, the Council are increasingly faced with applications for speculative development on sites which are not allocated in the Adopted or ELP, including a number of these going to Appeal. A number of speculative applications have been made in other Sustainable Settlements, including Tiptree and West Bergholt. It is anticipated that pressure from speculative development is only likely to increase until the Emerging Local Plan has been Adopted in locations throughout the Borough which could include West Mersea. Therefore, a pragmatic approach to proposed allocations is required. It is preferable to allow schemes on allocations in the Emerging Local Plan where they are policy compliant. The Emerging Local Plan allocations have been through a Sustainability Appraisal, public consultation and other rigorous assessment as part of the Local Plan process. Whereas speculative proposals are usually sited in locations which received less favourable Sustainability Appraisal / or other assessment or, have not been through such assessments as part of the Local Plan process. There are no objections from infrastructure providers subject to the scheme providing appropriate mitigation. It is proposed to provide 0.5ha of D1/B1 commercial use (which includes the opportunity to relocate the Medical centre), associated parking, public open space, landscaping, Sustainable urban Drainage systems and vehicular access from East Road at Brierley Paddocks. In addition, 30% affordable housing is proposed as well as mitigation contributions for health provision, and RAMs. The NHS capacity constraint is also of significant relevance and this is an important infrastructure element which was a key theme in the representations to the Emerging Local Plan. The NHS NEE CCG have requested the land identified as D1/ B1 use to be gifted to support the provision of health facilities or for a financial contribution to be made. The Planning Policy team support this approach as it provides the only opportunity to provide a site and facilities to address the additional requirements resulting from this development which cannot be absorbed within the existing surgery. The developers have confirmed that they do not intend to gift the site to the NHS

and therefore the financial contribution that the NHS have requested stands. This is held to be acceptable.

- 16.40 Although the NHP may be an important consideration in informing a future reserved matters application, it is currently not at an advanced stage of preparation as a Draft Plan has not yet been published so is unable to be a material consideration to this application.
- 16.41 Based on a thorough consideration of the issues it is considered that proposal is in principle compliant with the Emerging Local Plan Policies.

Highways/Access

- 16.42 Aside from the principle of development, the only matter for approval at this stage is the access. It is therefore also important to consider the impact on the highway network.
- 16.43 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. 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).
- 16.44 The scheme has been accompanied by a Transport Assessment that considered the East Road junction to be sufficient to accommodate the traffic flows this scheme will generate. It states that a simple priority junction at the East Road access will need to be provided and there is sufficient room to provide this. This Transport Assessment and the proposed access arrangement at East Road have been considered by Essex County Council (the Highway Authority). They have no objections to the scheme subject to conditions that are suggested at the end of this report.
- 16.45 A material difference between this scheme and the previously refused scheme (190200) is the fact the scheme has been amended within the application period to downgrade the Seaview Avenue vehicular access to that of a pedestrian and cycle link only. This is held to be the optimum situation as it allows permeability from the new development to the west on foot and by bike but removes motorized traffic that was held to be detrimental to the amenity of those living on Seaview Avenue.

- 16.46 The Highway Authority have considered this change and have no objection to the scheme. The East Road access will still be upgraded as per their requirements. It is therefore held to be sufficient to serve a development of 101 houses. It is further noted that the Highway Authority did not object to the access being used to serve 201 houses and the commercial land in the previous application 190200.
- 16.47 On that basis this scheme is held to be acceptable in highway safety terms.
- 16.48 It has been noted by some of the neighbours that they do not believe that the East Road access can be delivered due to ownership issues. The developers disagree with this. Land ownership is not a planning matter and therefore this is not a reason to refuse this scheme. If it was to transpire that this was the case however, the scheme would not be implementable in its current format.

The Impact on Trees

- 16.49 Two TPO's have been served, an initial TPO covering the trees on the boundary with the site and 45 Seaview and a more recent TPO covering those trees and a number of other trees on the boundary.
- 16.50 As noted above, amended drawings showing the access way downgraded to a pedestrian vehicular link at the 43 Seaview Avenue have been provided. The Arboricultural Officer is satisfied that there is sufficient space to provide this without harming the protected trees. The scheme is therefore acceptable in that regard.
- 16.51 The protected trees and the other trees that surround the site can be protected by condition and by the provision of an appropriate layout at reserved matters stage.

SuDS

- 16.52 A sustainable drainage assessment has been provided with this application. It is recommended that a detention basin is provided at the southern end of the site to work with the existing topography. This basin will be dry and will only contain water in storm events to manage run off rates. It is therefore designed to form part of the open space for local residents. This approach, alongside other supplementary SUDs features, will simultaneously provide a valuable landscape feature and will aid the natural management of surface water runoff.
- 16.53 The LLFA are satisfied with the scheme and have recommended conditions. At outline stage, this matter is held to be acceptable.

Flood Risk

- 16.54 The site is within Flood Zone 1. As such, it is at the lowest risk of fluvial or tidal flooding in accordance with the Technical Guidance that accompanies the NPPF and is suitable for residential development from a flood risk perspective.
- 16.55 The Emerging Local Plan (Paragraph 15.125) states that the overall aim of national policy and guidance on flood risk is to steer new development towards land on the lowest risk from flooding (Flood Zone 1).
- 16.56 As part of the proposals, the SUDs are proposed at the southern part of the site. These features are strategically located to work with the existing topography of the site in order to manage surface water runoff and to ensure the site manages surface water entirely within the site to reduce the risk of flooding elsewhere. The detail of this arrangement can be dealt with at reserved matters stage.
- 16.57 Further information on the flood risk and drainage proposed on site is included in the accompanying FRA which can be read on the system.
- 16.58 It is noted that the EA did not object to the scheme, nor did they object to the previously refused scheme for 201 dwellings.

Impact on Heritage Assets

- 16.59 Policy DM16 states that the historic environment should be conserved where possible through new development proposals. This includes preserving and enhancing Listed Buildings as per the statutory test.
- 16.60 A full Heritage Impact Assessment is provided with this application. Brierley Hall, which is located to the north of the site is Grade II Listed. Furthermore, the two barns at Brierley Hall are also Grade II Listed in addition to the garden wall east of Brierley Hall. The Council's in-house HB&AO has assessed this document in full and does not consider the scheme to be harmful in terms of the setting.
- 16.61 In order to further conserve and enhance the significance of these listed structures, it is proposed that a green buffer space is retained at the northern part of the site. The impact on the listed building and its value is assessed to be acceptable and the scheme is considered to conform to Policy DM16 and the statutory tests that require the setting of listed buildings to be preserved.

Ecology

- 16.62 Section 40 of the Natural Environment and rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. 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. Policy ENV1 of the emerging Local Plan states that the Local Planning Authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Furthermore, proposals for development that would cause direct or indirect adverse harm to nationally designated sites or other designated areas, protected species or result in the loss of irreplaceable habitats such as ancient woodland, important hedgerows and veteran trees will not be permitted.
- 16.63 A Preliminary Ecological Appraisal has been prepared by The Ecology Partnership. Land at Brierley Paddocks is not designated, however a number of local, national and international designated sites are within a 2km radius of the site. Given the national and international importance of these sites a Habitat Regulation Assessment has also been provided which has informed the Council's Appropriate assessment.
- 16.64 It has been recommended through the Preliminary Ecological Appraisal and the Arboricultural Impact Assessment, that the existing planting and vegetation on site is to be maintained. A number of mammal burrows have been identified along the eastern, southern and north west site boundaries, some of which were characteristic of badgers. As such, it has been recommended that where possible, these burrows be buffered from development by at least 15m. This will be considered when confirming the layout in the reserved matters stage of the application and further survey work will be expected at that time to fully investigate whether these holes are in use and then advise the layout accordingly.
- 16.65 On recommendation from the Phase 1 Ecological Survey, a Wintering Bird Survey has been provided. The Survey found that 22 bird species other than water birds were recorded, including some species of conservation concern. The report states that the majority of these birds feed within field boundary habitats that will be retained and enhanced as part of the proposed landscape plan. As such, the report argues that there will be little impact on those species. The potential impact of the development will be on those birds that purely feed on the arable land; namely Redwing, Meadow Pipit and Skylark. The survey confirms that the density of those species is at the lower end of the scale for this habitat. Furthermore, the habitat is locally widespread, thus it is held that the impact will be of no more than local significance.

- 16.66 On recommendation from the Phase 1 Ecological Survey, a Bat Survey of 43 Seaview was also carried out. It was found that the building supported historic evidence of brown long eared bats and is considered that the building is a roost, albeit one of low conservation significance. As such the building would require demolition under licence and ecological supervision.
- 16.67 Due to the time that has passed since the Preliminary Ecological Appraisal (2016) the Wintering Bird Survey (2017/2018) and Bat Survey Report May and Oct (2018) it is expected that these reports will be refreshed at reserved matters stage by a competent ecologist.
- 16.68 It is also suggested that an Ecological Enhancement and Management Plan condition be imposed to ensure the site is managed in an ecologically sensitive manner and to ensure that the suggestions of the ecological reports are built into a workable framework that can be delivered on site after approval of the reserved matters.

Habitats Regulations Assessment (HRA) /Appropriate Assessment (AA)

- 16.69 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 draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS).
- 16.70 A shadow HRA was requested and was duly provided. The LPA then drafted an appropriate assessment (AA). The AA concluded that with the on-site measures set out in the shadow HRA and with a financial contribution to the Essex Coast RAMS as mitigation the scheme would be acceptable.
- 16.71 Following this Natural England were re-consulted but no comments were made.
- 16.72 The RAMS financial contribution will be secured via legal agreement.

Landscape Impacts

- 16.73 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. The site also sits in the Coastal Protection Belt (as does the rest of Mersea Island) and therefore Policy DP23 is relevant.

16.74 The scheme has come with a Landscape Visual Impact Assessment (LVIA) carried out by Tyler Grange LLP. It found that:

“The site has a settlement edge character, with existing residential properties creating a harsh edge on the western and northern boundaries. Rear and side garden boundaries form many of the edges to the site, and these boundaries are irregular comprising close board fencing, evergreen hedging and scattered tree planting. Residential properties sit along the skyline along the western and northern boundaries and form a backdrop to the site;

- The site is well contained and has an enclosed character, with existing residential development enclosing the site to the north and west, and established vegetation forming the southern and eastern boundaries. This enclosed character separates the site from the wider more rural land to the west;
- There are no internal landscape features within the site, with the site used for open arable land. The low lying and flat nature of the site also contributes to its contained and enclosed nature, with no prominent landform present; and
- The existing landscape structure and boundary vegetation found on the southern and eastern boundaries consists of established tree, hedge and scrub planting. Evergreen hedge planting is present along the north eastern boundary and forms the edges to the larger gardens found to the north east of the site. The hedgerow and tree planting found along the eastern boundary, adjacent to PRoW 154-25 is gappy in places.”

16.75 After a very detailed assessment of the proposed the LVIA concludes:

Overall we conclude that the proposed redevelopment of Brierley Paddocks would provide a good contextual fit within the settlement edge and adjacent landscape context. The extent, scale, layout and design of the new development, combined with the retained and additional new tree, hedgerow, wildflower meadow, open space and SUDS proposals will assimilate development into the settlement edge of West Mersea, helping to reduce and mitigate the visual effects of the proposals. The visual effects of the proposed development upon public views and visual amenity will be largely neutral. The screening of the development by existing trees and hedgerows to the southern and eastern site boundaries, and within the local landscape means that the new residential development will be filtered and assimilated into the wider landscape and rural edge of West Mersea.

16.76 The findings of the LVIA have been considered by the Council’s in-house Landscape Advisor who accepts its findings. On that basis, the scheme is held to be acceptable in landscape terms and will not materially compromise the Coastal Protection Belt set out in Policy DP23.

Loss of Agricultural Land

- 16.77 Some representations have argued that the scheme will result in the loss of good quality agricultural land. The land is rated as on the edge of non-agricultural Urban G2 and Grade 3 'Good to Moderate' on the Agricultural Land Classification. The Council's Landscape Advisor considers that it is likely that the site strongly relates to the Urban G2 area and is divorced from the wider G3 area within which it is captured by Cross Lane. In short it is not considered that the loss of this land in favour of development is an issue that warrants a refusal of this scheme.

Health Impact Assessment

- 16.78 Policy DP2 requires all development should 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, with the purpose of the HIA being 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.
- 16.79 The NHS have assessed the HIA and in this instance do not object to it. They have requested a financial contribution towards their services and the applicants have accepted this.

Contamination

- 16.80 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land.
- 16.81 A Phase 1 Geo-Environmental Desk Study Report has been submitted with the application that investigates matters of contamination. The Council's Contaminated Land Officer has assessed the submitted report and confirms that it is acceptable for Environmental Protection purposes. Conditions for further work have been requested.
- 16.82 On this basis, the information submitted is considered to be acceptable and the site considered suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

Design and Layout

- 16.83 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.
- 16.84 As an outline application, details of design and layout would be put forward at reserved matters stage and would be assessed in accordance with

relevant planning policy to ensure that the proposals are acceptable. There is no further detail required at outline stage as it essentially determines the principle of development rather than the detail.

- 16.85 The Council's Urban Designer has confirmed that the proposed 101 dwellings can be accommodated on site without compromising policy principles.

Impact on Amenity

- 16.86 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.
- 16.87 Application 190200 was refused in part due to the impact on the vehicular access point in Seaview Avenue. Whilst this was originally retained in this resubmission for 101 dwellings, it was removed within the application period.
- 16.88 The retention of a pedestrian/cycle way is considered to be essential in urban design terms. Downgrading the access to a pedestrian/cycle route will retain the permeability at this end of the site and will allow access on foot or bike to and from that corner of the development. It is not held to be materially harmful in terms of neighbouring amenity as pedestrian and cycle traffic is generally held to be less disruptive and noisy than vehicles. It will also allow for more planting either side due to the reduced width needed and this will facilitate a great buffer for the neighbours. The detail of this can be dealt with via the reserved matters submission.
- 16.89 It is accepted that this scheme will increase noise and disturbance to the existing neighbours located close to the East Road junction at Brierly Paddocks. This is an existing access point and is the only realistically deliverable vehicular access point to the site. In terms of built form, at reserved matter stage it will be possible to provide the existing residents with a buffer area at this end of the site so they do not feel encroached upon but there is no doubt that residents in this area will be subject to a significant increase in passing traffic. The impact on residents has been carefully considered but in this instance it is not held to be materially harmful to the neighbours to the point that warrants a refusal of this scheme.

- 16.90 Any housing design/layout uses would need to respect the privacy and amenity of the residents of these properties and adhere to policy DP1 in terms of impact, as well as the design and layout principles of the Essex Design Guide which prescribes back to back distances between properties in order to preserve a satisfactory level of amenity. These matters would need to be assessed on the submission of reserved matters which will provide the detailed layout for the scheme.

Environmental and Carbon Implications

- 16.91 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.
- 16.92 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 16.93 This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. This scheme has limited detail as it is an outline proposal however it would be possible to secure a significant amount of good quality tree planting on site as part of the landscape element which is a reserved matter. The landscape masterplan is only indicative but drawing 10618/P10e Rev A sets out areas of buffer planting and suggests a number of tree species. The Landscape Parameter plan 17003/OPA-004A also reflects this.
- 16.94 The scheme has also been amended during the application period to remove the unnecessary vehicular access onto Seaview Road and replace it with a pedestrian/cycle access so this will actively encourage residents to leave their cars and walk or cycle west towards the facilities of West Mersea. The fact the scheme is an emerging allocation demonstrates that is considered to be an accessible location where growth is sustainable and the strong footpath links to the West (and to the PRow to the east) adds to this.
- 16.95 In addition to this Environmental Protection have suggested EV charging points to be conditioned and the applicants have agreed to a condition requiring approval of a scheme for EV charging. This will help facilitate the uptake of ultra-low emission vehicles.
- 16.96 It is therefore considered that on balance the application is considered to represent sustainable development.

Bradwell Power Station

- 16.97 Representations have been received from neighbours that are concerned about Bradwell Power Station and the possible new Nuclear Power Station (NPS) that may be proposed next to the existing NPS.
- 16.98 Bradwell Power Station is in a very advanced stage of decommissioning and is in a 'Care and Maintenance State'. It is the first NPS in the country to enter this state of decommission.
- 16.99 Bradwell 'B' proposed by EDF Energy and China General Nuclear Power Group (CGN) is only at very early investigative stages. The Bradwell B project website notes it could be 7 years before construction. The website set out how they would need regulatory approval, planning permission including a nuclear site licence, a development consent order and various environmental permits. In officer's opinion it would not be reasonable to resist a new increase of 100 houses on the basis that Bradwell B is a possibility.

17.0 Conclusion and Planning Balance

- 17.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the emerging Local Plan but is contrary to the adopted Local Plan as the site is outside the current settlement boundary of West Mersea. The National Planning Policy Framework (the Framework) makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies 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 support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy. 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.
- 17.2 The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in West Mersea and is located within walking distance of a number of key local services and facilities required for day-to-day living. In respect of the third dimension (environmental), the proposal will provide housing in a sustainable location so that future residents would not be reliant on private car, being able to walk or use public transport to access necessary services and facilities, thereby minimising environmental impacts; ecological enhancements can also be secured as part of the development.
- 17.3 There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby

residents or have a severe impact upon the highway network. Whilst the proposed development would have an impact on the existing character of the site (i.e. by introducing built development where there is none currently) through a general suburbanising effect on the wider setting, which weigh against the proposal, the positive economic and social effects, as well as the sustainability of the proposal would weigh in favour of this scheme and could reasonably be judged to clearly outweigh the shortcomings identified given the weight afforded to the supply of new homes in the Framework and the possible design that could be secured as part of any future reserved matters application.

- 17.4 In conclusion, it is considered that the benefits of the scheme convincingly outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

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

1. Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Time Limit for Outline Permissions Part 3 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. Approved Drawings

The drawings hereby approved as part of this application are:

Site Location Plan - 17003/OPA1-001

East Road Junction Plan – DR1 Rev A

Seaview Avenue Cycle/Pedestrian Walkway Plan – DR7

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

5. D1/B1 Uses details

The D1/B1 uses hereby approved shall not operate apart from in complete accordance with a schedule of operation that shall be submitted to and approved in writing by the Local Planning Authority. This schedule shall include details of:

The specific D1 or B1 use proposed.

The hours of operation of the D1 and/or B1 use.

The hours and details of servicing of the D1 and/or B1 use.

The hours and details of deliveries to and from the D1 and/or B1 use.

The D1/B1 uses shall not operate apart from in complete accordance with the approved schedule unless otherwise agreed in writing with the Local Planning Authority.

Reason: This condition is necessary as this outline permission is approving 0.5ha of the site as D1/B1 uses but has no details of those D1/B1 uses at this stage. Therefore the Council needs this extra detail to ensure the proposed uses do not materially harm neighbouring amenity.

6. D1/B1 uses no permitted changes of use

The 0.5 ha of the site that is to be used for commercial purposes shall be used solely for B1 or D1 uses and for no other purpose.

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

7. Electric Charging Points

The development shall not commence above damp-proof course level until a scheme for the provision and implementation of electric vehicle (EV) charging points has been submitted to, and approved in writing by, the Local Planning Authority. 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.

8.Archaeology

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:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.
- 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 Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

9.SUDs

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:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.

- 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 Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

10.Scheme to Minimise Offsite Flooding during Construction

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

Reason: To ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution as construction may lead to excess water being discharged from the site.

11.SUDs Maintenance and Management

No occupation of the development shall take place until a Maintenance and Management Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be 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 and to ensure that the SUDs are maintained for the lifetime of the development.

12.SUDs Monitoring

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

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

13.Ecology

No works shall take place above damp-proof course level until an Ecological Enhancement and Mitigation Plan (EEMP) has been submitted to and approved by the Local Planning Authority. The EEMP shall follow the principles set out in the submitted ecological reports as a minimum. The development shall then be carried out and maintained in accordance with the approved EEMP.

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

14.Tree Protection

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees and in particular the TPO'ed specimens that are of particular significance.

15.Used Water Sewerage Network

No works shall take place above damp-proof course level until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

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

16.Highway Works

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

- a. A priority junction off East Road to provide access to the proposal site as shown in principle on the planning application drawings
- b. A pedestrian/cycle access off Seaview Avenue as shown in principle on the planning application drawings
- c. For the non-residential element of the proposal, if there are 50 or more employees, a Travel Plan in accordance with Essex County Council guidance
- d. For the residential element of the proposal, Residential Travel Information Packs 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.

17.Highway Works - Bus Stops

Prior to commencement of the development, a specification for upgrading the two bus stops which would best serve the proposal site, including a program of works for implementing the upgrades, must be submitted to, and agreed in writing by, the Local Planning Authority. The bus stops must be upgraded in accordance with the approved scheme in accordance with the agreed program.

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.

18.Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

19. 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 unless otherwise agreed in writing with the Local Planning Authority.

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

20.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 unless otherwise agreed in writing with the Local Planning Authority and shall provide details for:

the parking of vehicles of site operatives and visitors;

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;

wheel washing facilities;

measures to control the emission of 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.

21.Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place 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.

22.Fires

No fires may be lit on site at any time.

Reason: In the interests of neighbouring amenity.

23.Contaminated Land Part 1 of 4 (Site Characterisation)

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

24.Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

If the Investigation and Risk Assessment submitted under Condition 22 identifies a need for remediation, 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.

25. Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

If the Investigation and Risk Assessment submitted under Condition 22 identifies a need for remediation, no works shall take place other than that required to carry out remediation, until the approved remediation scheme has been carried out in accordance with the details approved. 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

26. Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23 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 26.

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.

27. Validation Certificate

If the Investigation and Risk Assessment submitted under Condition 22 identifies a need for remediation, prior to the first OCCUPATION or 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 22.

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

19.0 Informatives

19.1 The following informatives are also recommended:

1.ZT0 – Advisory Note on Construction & Demolition

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

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

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

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

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

4.INS - Notes from the Highway Authority:

- In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only
- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 – Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

5.INS - Archeology

The Council's in-house specialist will, on request of the applicant, provide a brief for the archaeological investigation – **extensive archaeological excavation** - and it is recommended that this is procured at the earliest opportunity to establish the costs of the archaeological investigation and to establish the likely time scale (potentially considerable) of the archaeological fieldwork, in order to avoid any delays to the commencement of the development.

6.NS – Private Sector Housing

Private sector housing suggest the following:

Excess Cold

Please consider the thermal comfort of the new dwellings. They should be able to maintain a temperature of 21 degrees C when the outside temperature is -1 degree C. Consider adequate, efficient and affordable heating, insulation and ease of ventilation without excessive draughts.

Crowding & Space

The bedrooms should have adequate space for the number of people sleeping in them. Double rooms suitable space for 2 persons single bedroom for 1 person including furniture and space to circulate.

7. INS – Environmental Protection

Acoustic fencing

At reserved matters stage Environmental Protection suggest a 2m high acoustic fence would be required along the boundaries with existing residential properties at the site access points (to reduce disturbance from vehicles entering and leaving the site) as the size of the development will impact on their properties from increased traffic.

8. INS – Anglian Water

(1) 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.

(2) 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.

(3) INFORMATIVE

- Protection of existing assets

- A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE – Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.



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Item No: 7.3

Application: 192249

Applicant: Firth

Agent: Mr Edward Gittins

Proposal: Full Application for 15 No. dwellings, associated garages and formation of a new access to Brook Road, Great Tey

Location: Land At, Brook Road, Great Tey, Colchester

Ward: Rural North

Officer: Sue Jackson

Recommendation: Approval subject to a legal agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it constitutes a departure from the adopted Local Plan as the application site lies outside the current adopted settlement boundary of Great Tey. In addition, the proposal represents major development, where objections have been received and the recommendation is for approval. A section 106 legal agreement is also required.

2.0 Synopsis

- 2.1 The application seeks full planning permission for the erection of 15 dwellings, (including 4 affordable units), and vehicular access from Brook Road.
- 2.2 The key issues for consideration are the principle of development; traffic and highway implications; landscape, amenity, heritage impact and design and layout. Impact on neighbouring amenity and the surrounding area will also be discussed.
- 2.3 The Emerging Local Plan includes this site as an allocation and proposes it for residential development of 10 dwellings.
- 2.4 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended, subject to the prior completion of a S106 agreement.

3.0 Site Description and Context

- 3.1 The site is a rectangular field of 0.65 hectares with a road frontage of approx. 160 metres to Brook Road and an average site depth of 40 metres. The site is generally flat with a slight gradient sloping south eastwards towards the valley of the Tey Brook. There are existing hedgerows to all boundaries.
- 3.2 A Public Right of Way (PROW) extends along the north boundary separating the site from the moated grounds of a dwelling known as 'The Rectory'. There is agricultural land to the east and south. There is residential development on the opposite side of Brook Road which extends the full length of the site frontage. These dwellings form the southern edge of the settlement boundary.
- 3.3 Rectory Cottages located to the north of the site, on the opposite side of the road, are listed grade II listed and further to the north lies the church of St Barnabas, which is a grade 1 listed building. The edge of the conservation area runs parallel to the north boundary of the site and extends southwards for approx. 50 metres on the opposite side of Brook Road. The grounds of The Rectory are a designated archaeological site with a former medieval moated enclosure.
- 3.4 Great Tey is a sustainable settlement which has a village hall, primary school, recreation ground, Public House and church all within easy walking distance of the site. In terms of public transport, there are bus stops close to the site.

4.0 Description of the Proposal

- 4.1 The application seeks Full Permission for a 15 dwellings including 4 affordable units.
- 4.2 Fifteen dwellings are proposed comprising 3 2-bed units, 9 3-bed units and 3 4-bed units. The units include detached and semi-detached houses plus two bungalows. The affordable units comprise a 3-bed bungalow and one 2-bed, 3bed and 4-bed unit.
- 4.3 Vehicular access is proposed from Brook Road towards southern end of the site. The proposal includes a landscaped greensward a maximum of 10 metres wide behind the frontage hedge. There is also a landscape buffer 10 metres wide south of The Rectory and the PROW.
- 4.4 A pedestrian path within the site follows the edge of the greensward and extends from the north to south boundary.
- 4.5 In addition to the application drawings the application includes the following documents ;

Planning statement incorporating Design and Access Statement, Statement of Community Involvement and Affordable Housing Statement;
Colchester Archaeological Trust Report
Flood Risk Assessment and Surface Water Report
Phase 1 Geo-Environmental Desk Study Report
Tree Report
Tree Quality Assessment
Preliminary Ecological Appraisal (including protected species scoping assessment)

5.0 Land Use Allocation

- 5.1 Unallocated in the adopted Local Plan. Allocated for residential development in policy SS8 of the Emerging Local Plan.

6.0 Relevant Planning History

- 6.1 None

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
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
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Lev
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

- 7.4 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, in particular policy SS8 which identifies the application site for residential development.

- 7.5 The Great Tey Neighbourhood Plan is in the preliminary stage of preparation. In September this year the Great Tey Neighbourhood Plan Group publicised a call for sites with a submission date of 30 September 2019.
- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
ECC's Development & Public Rights of Way
Planning Out Crime
Air Quality Management Guidance Note, Areas & Order

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 Natural England

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure with other plans and projects.

The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester Borough Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. We therefore advise that you consider, in line with our recent advice, whether this proposal falls within of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning

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documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

8.3 Essex Police

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision pursuant to the National Planning Policy Framework, Sec 12, paragraph 127 (f) and Colchester's Planning Policy DP1: Design and Amenity, however the proposed site plan does show the dwellings seem to be positioned well for good natural surveillance. To ensure this development is a safe, secure place to live, e.g. uniform lighting without dark areas, effective physical security on each property, garden gates sited as near as possible to the front of the property and to comply with Colchester's Planning Policy DP1: Design and Amenity (Revised July 2014), (iv) Create a safe and secure environment, I would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.

Essex Police is able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and is invited to contact Essex Police via designingoutcrime@essex.police.uk. Essex Police, in supporting the ethos of the NPPF, provide a free, impartial advice service to any applicant who request this service.

8.4 Highway Authority

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the mitigation set out in the recommended conditions

8.5 Urban Design

I understand proposals have been positively informed by pre-application dialogue. My only comment would be to require a pedestrian link to the south to in effect (via grass verges and footpaths) provide a continuous safe link to Great Tey Business Centre and any possible future residential development to the south / south-west.

Although this future-proofs the potential for a footpath on the verge to the Business Park, if possible this path should be provided as part of this application plus a related informal crossing to Brook Road, i.e. working in partnership with the Business Park and/or Highways. This requirement ties in with various emerging local plan policies promoting sustainable and inclusive accessibility.

The wider route is illustrated below which may (/not) require the loss/reduction of a unit or revised positioning of homes at the southern end of the site.

Officer comment : the path has been extended .

8.6 Environmental Protection

No objection subject to conditions

8.7 Landscape Officer

To accord with the Council's Landscape strategy for development sites the landscape element of the proposal needs to be cross-checked against the Council's standard generic requirements under Landscape Guidance Note LIS/A (this is available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link); and where applicable amended accordingly to fully comply with them. It is recommended the clause(s) of LIS/A noted in the Appendix to this document be cross-checked against the current submission.

Where units back or side onto the southern or eastern boundary hedges then a 1.8m high, dark stain, hit and miss boundary fence should be proposed (rather than the currently proposed post & rail), with this fence set in 1m from the hedgeline. This in order to help avoid any damage to the hedge and to attain the privacy screen required in order to help protect public amenity for users of the PRoW and highway.

The existing gap in the existing field boundary hedge, to the SE corner of the site, needs to be acknowledged and clearly illustrated within the Landscape Proposals drawing. The gap needs to be proposed to be gapped-up with native hedging complementary in makeup to the existing field boundary hedge mix, this in order to help protect public amenity for users of the highway and to allow the development to complement and enhance local landscape character.

Officer comment: the revised landscape drawings include these revisions.

8.8 Archaeologist

This development affects an area of archaeological interest, to the south of the remains of a medieval moated enclosure is recorded immediately to the north of the proposed development area (HER Monument no. MCC7008). There is high potential for encountering below-ground archaeological remains at this location, which has not been the subject of previous systematic archaeological investigation. Groundworks relating to the application would cause 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.

8.7 Lead Local Flood Authority ECC SUDS

Thank you for your email received on 27/09/2019 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application. As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

Non-statutory technical standards for sustainable drainage systems

- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a do not object to the granting of planning permission subject to conditions.

8.8 Contaminated Land Officer

No objection subject to conditions

9.0 **Parish Council Response**

9.1 The Parish Council have stated that "We have no objections to this planning application subject to the following conditions:-

1. No vehicular parking by contractors on Brook Road at any time during the construction period.
2. Any offloading of construction materials to be restricted to times between 9.30am and 2.30pm.
3. Vehicular washing facilities to be used.
4. Brook Road to be kept clear of site debris.
5. A construction phase plan to be submitted to the parish council.
6. We do not wish to see a high level gable window in Plots 5 and 6 if it overlooks existing residents in Brook Road.

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. Three objections have been received:

- I am in the process of buying a property opposite the site cottages. I do not want to live in a built up area where parking down the road will be a nightmare and roadworks will cause disruption Increase in dwellings from 10 to 15. The public consultation was undertaken based on the reduced number of 10 dwellings. 15 dwellings is overbearing for this small parcel of land
- The applicant mentions “significant set back from Brook Road”. This simply cannot be the case considering the size and location of the parcel of land and existing tree lines. There are other parcels of land, further up Brook Road closer to the A120, where significant set back would be achievable and where proposed development would not have such a negative impact on existing Brook Road residents
- Why is the proposed entrance is located opposite existing residents?, rather than further up Brook Road towards the A120 opposite Warrens Farm where it would have less impact.
- Brook Road already has to support considerable traffic and large farm vehicles, buses, lorries, coaches using the depot at Warrens Farm etc. the junction on to the A120 is already extremely congested. It can be quite dangerous at peak times and take a long time to exit the village safely.
- Adverse effect on the residential amenity it will be visible from every front window of existing residential properties property (dwellings, garages, people and vehicles).
- We currently enjoy beautiful views across the field.
- The applicant intends to significantly reduce the hedgerow fronting on to Brook Road and, in places, cut trees back all together. This means that any hint of privacy that may have been retained by leaving the hedgerow untouched, will also be diminished.
- The development is not appropriate nor sensitive to its location opposite a dedicated conservation area and will have a detrimental effect on the character and appearance of this historic neighbourhood.
- Light pollution and privacy impact. The site entrance is directly opposite my property; headlights from vehicles leaving the site will project directly into my living space.
- Pedestrian safety is also of concern. The current footpath does not connect to the existing footpath at the church.
- Adequacy of parking and turning space
- Plans do not show the location of the oil tanks required for all the properties and how they will be accessed by oil tanker deliveries and how tankers will turn on the site.

11.0 Parking Provision

The adopted Vehicle Parking Standards for Class C3 dwelling houses 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
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The dwellings each have a garage and parking space or two parking spaces; in addition eleven of the dwellings have driveways sufficient for two cars to park. Four visitor spaces are indicated. The parking provision therefore satisfies the adopted parking standards.

12.0 Accessibility

12.1 Please refer to Design & Access Statement regarding duties under the Equalities Act.

13.0 Open Space Provisions

13.1 The development includes two informal landscaped amenity areas.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

- Affordable Housing 4 units; a 2 bedroom house, a 3 bedroom house, a 4 bedroom house and a 3 bedroom bungalow being constructed to Building Regulations standard Part M4 Cat 3 2 a
- Highway Authority requests Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge. (this will be secured by condition)
- Open Space Sport & Recreation a contribution of £81,260,89.00 which will be used to fund improvements to the children's play park and sports facilities including gym equipment at Great Tey Recreation Ground
- Communities a contribution of £25,058.00 - which will be used to fund improvements to Great Tey School Community Pool (a Community Use Agreement may be required to ensure the swimming pool is available for community use not just school use)
- Archaeology a contribution of £3,153.00 (£2,400 for an interpretation panel, £753 for enhancement of Colchester HER)

15.2 In addition, a RAMS contribution of £122.30 per unit will a be required.

16.0 Environmental and Carbon Implications

16.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to

be pursued in mutually supportive ways. These are economic, social and environmental objectives.

- 16.2 This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered the report demonstrates that the development of this site can contribute to achieving sustainable development.

17.0 Report

- 17.1 The main issues in this case are:

The Principle of Development

- 17.2 The site for the proposed 15 dwellings is not within the development boundary of the current Local Plan however is allocated for residential development within the Emerging Local Plan (ELP) under Policy SS8.
- 17.3 The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging Local Plan are relevant. The relationship of the proposal to each of those plans and the compliance of relevant adopted and emerging policies with the 2019 National Planning Policy Framework (the Framework) are accordingly key policy considerations in assessing conformity with the Development Plan and the 'planning balance'.
- 17.4 It is considered that the fundamental principles of both the Adopted and Emerging Local Plan are compliant with the new Framework. Consideration has to be given to whether there are any relevant non-compliant elements of Colchester Borough Council policy with the Framework that justify a reduction in the weight to be given to the policy in assessing the planning balance in this case. For the Emerging Local Plan the following analysis reflects the Framework criteria on the weight to be given to policies, which depends on the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the Framework (see paragraphs 48 – 50 of the Framework 2019).
- 17.5 In the Adopted Plan, Policy SD1 is consistent with the Framework's approach to decision-taking which entails approving proposals that accord with the Local Plan unless material considerations indicate otherwise, and which involves the Local Planning Authority working proactively with applicants. The housing and jobs target provided in the policy, however, no longer remain current. Whilst the supply figure itself may be out of date the principle of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded. The settlement hierarchy defined by Policy SD1 designates Great Tey as a rural community which is the lowest order of settlements considered suitable for planned growth. The approach of SD1 is consistent with the continued thrust of the Framework seeking to achieve sustainable development as set out in paragraphs 7 and 8. It also accords with Paragraph 23 which indicates that: "Strategic Policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate to address objectively assessed

needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area". It is considered that Policy SD1 seeks to achieve these requirements and therefore fundamentally accords with the Framework.

- 17.6 The allocations made in Policy H1 accord with the requirement in Paragraph 59 of the Framework, which directs local authorities to allocate a sufficient amount and variety of land for housing. Weight can be given to Policy H1 with the exception of the housing target figure which has been superseded by later figures. Whilst the supply figure itself may be out of date, the principle of the overarching spatial strategy and the settlement hierarchy are not, and as such weight should still be afforded to the allocations made in the policy.
- 17.7 The requirements of policy ENV1 for the conservation and enhancement of Colchester's natural and historic environment is in accordance with paragraph 170 of the Framework which clearly recognises the intrinsic character and beauty of the countryside and demonstrates that planning policies should contribute to and enhance the natural local environment via protection, maintenance, and preventing unacceptable risk.
- 17.8 Based on the protection afforded to land outside Settlement Boundaries and outside of the most sustainable locations in SD1 and ENV1, the proposal is not considered to be compliant with these policies. While Policy ENV2 on rural communities covers rural exception sites, it is of limited relevance to this specific proposal which is not based on the rural exception principle.
- 17.9 The Framework also advocates consideration of other factors including emerging local plans which can be afforded weight when they reach an advanced stage of preparation. In this respect Paragraph 48 states that authorities may give weight to emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies (and the significance of these objections - the less significant the greater the weight that can be given) and the degree of consistency of the relevant policies to the Framework (the closer the policies are to policies in the Framework, the greater the weight that may be given). Testing these criteria will inform the judgement about the weight which should be afforded to the emerging Local Plan and Neighbourhood Plan in this case.
- 17.10 In terms of Paragraph 48(a) of the NPPF the Emerging Local Plan (ELP) is considered to be at an advanced stage having been submitted in 2017 with examination having commenced in January 2018. Following additional work requested by the Inspector the Examination will be scheduled to recommence on 14th January 2020.

- 17.11 The ELP, amongst other matters, seeks to allocate additional land to meet the housing targets up to 2033 of 920 homes per year on sites which are in accordance with the revised Spatial Strategy (SG1). Great Tey is identified as a Sustainable Settlement as the third tier in the settlement hierarchy, as these existing settlements are considered to have the potential to accommodate further proportionate growth. The ELP proposes two sites for residential development in Great Tey; Policy SS8 refers.

“Policy SS8: Great Tey

Land on Brook Road

In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the area identified on the policies map which provides:

- (i) 10 new dwellings, which shall include single storey units;*
- (ii) Suitable design and screening/landscaping to minimise any negative impact on the adjacent Conservation Area and listed building (Rectory Cottage) including its setting.*

Land off Greenfield Drive

In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the area identified on the policies map which provides:

- (i) 30 new dwellings with access off Greenfield Drive (Harvesters’ Way and/or Farmfield Road);and*
- (ii) A minimum of 1ha of public open space adjacent to existing public open space.”*

- 17.12 The Spatial Strategy (Policy SG1) and Great Tey allocation (SS8) are aligned with the Framework which reinforces the plan-led system (paragraph 15) and sets out at paragraph 16 how plans should be prepared. The policies will contribute to the delivery of sustainable development. Paragraphs 18 and 28 of the Framework outline that Local Plans should include non-strategic policies which provide more detail for specific areas and types of development. Paragraph 59 reiterates the Government objective of increasing the supply of homes.

- 17.13 The key policies in the emerging Local Plan relevant to this scheme are considered to be highly consistent with the Framework and should therefore be afforded considerable weight in respect of paragraph 48 c) of the NPPF.

- 17.14 The final issue to be taken into account when considering the weight to be afforded to the emerging Local Plan is the level of unresolved objection to the relevant policies. Accordingly, further consideration of the issues raised in representations to Policy SS8 is necessary to guide the judgement of the weight which should be given to the emerging policy in this case. There were a total of 51 respondents plus a 69 signature representation received in respect of Policy SS8.
- 17.15 However, Members should note policy SS8 relates to 2 sites as detailed above. Whilst the majority of site specific comments relate to the Greenfield Road site. There are several which specifically object to the proposed Brook Road Allocation and significantly more which object to the proportion of growth identified or the principle of any development in Great Tey.
- 17.16 The key issues raised by the objections to Policy SS8 are summarised below except those which clearly relate just to Greenfield Road.
- The capacity of the community infrastructure to accommodate the planned growth specifically including health care and secondary school education
 - Inadequate local infrastructure with concerns specifically expressed about, utilities including water and electricity supply;
 - Capacity of the local and strategic road network to support the planned growth with specific mention of the A120
 - Inadequate public transport and the capacity of the railway station at Marks Tey to accommodate additional growth;
 - Unacceptable impact on the environment and local wildlife
 - Impact on the heritage assets including the Roman River Source, Conservation Area and listed buildings;
 - The Implications of the planned Garden Community to the West of Colchester.
- 17.16 Historic England made comments in respect if the need to ensure historic assets are safeguarded with design and layout respecting this matter as appropriate.
- Notably the Great Tey Parish Council indicated support in principle subject to ongoing involvement and wishing to see this development have consideration to investigate traffic calming measures, for example priority traffic flow (as in Chappel); ensure that there is a continuous footpath/footway on the west side of Brook Road; a mix of housing to include low cost and "affordable" housing; and suitable access with off road parking, so that there is no additional parking on the east side of Brook Road. Furthermore support was also expressed from Highways England stating that development of the scale proposed is unlikely to impact on the strategic highways network.

- 17.17 Several representations indicate support for the Brook Road allocation with comments referencing; more young children to go to the primary school (numbers at moment are going down); affordable housing for young people needing houses; a greater number of houses, will mean there can be differing styles and prices, with more lower cost ones; and safeguarding the village the school and the pub, which could die as a viable village. Comment has been made in relation to the level of development currently sought also being acceptable for the site.
- While some of the objections could be addressed and therefore resolved, through mitigating measures and /or planning obligations, others are more about the principle of development and capacity of the infrastructure to accommodate the growth planned in Great Tey through the ELP.
- 17.18 It is also relevant to consider whether the concerns raised by these objections, relating to the principle and level of development based on the capacity of the infrastructure to accommodate the proposed development, can be addressed by provisions of the application and mitigation which may be secured as part of any permission
- 17.19 The response of the Infrastructure providers to the planning application and the Local Plan is the best measure of the extent to which there is capacity for the planned growth. This also provides the context for considering whether any objections to the Local Plan proposals remain unresolved, since those relating to the principle of development, are intrinsically linked to the capacity of the infrastructure to accommodate the planned growth. These are referred to below in more detail under the relevant headings concluding that responses from the relevant infrastructure providers support the planning application subject to securing contributions or the use of conditions where appropriate. It is therefore considered that the objections to the Local Plan are largely resolved through appropriate mitigation and conditions and in that respect in the context of paragraph 48 b) of the NPPF weight can be given to the ELP
- 17.20 The Council's specialists have been involved in negotiations in respect of the layout and have no objection to the proposal. In terms of Highway-related matters the Highways Authority have considered the application and recommend that the proposal is acceptable subject a number of conditions.
- 17.21 In conclusion, the proposed residential development of this site is allocated in the emerging Local Plan which can be afforded sufficient weight to lend support in the determination of this application due to its advanced stage, consistency with the NPPF and the ability of the objections to the Local Plan to be resolved through mitigation and / or conditions.. The Planning Policy team have confirmed that they support the general principle of development. They were also engaged in negotiating the scale, form, layout and number of units as part of a preliminary enquiry.

- 17.22 Although the number of units is for a higher number than the allocation, this has been considered against the requirements of the allocation policy to ensure suitable design and screen / landscaping to minimise the impact on the adjacent Conservation area and listed building as well as the other policies to ensure the site is suitable for the level of development proposed. The consultation responses from the statutory infrastructure providers has not indicated that the additional 5 dwellings will cause any capacity concerns. As the number is higher than anticipated in the ELP it is important that the design, layout and impacts on amenity are also adequately considered and that no unacceptable impacts are apparent. These are addressed in further detail below. The scheme is therefore considered to be inline with the expectation of the NPPF to make effective use of Land.
- 17.23 The proposal also needs to deliver affordable housing in accordance with the ELP at 30% which equates to 4.5 dwellings. In accordance with the SPD this results in a need for 4 affordable dwellings. The application includes 4 dwellings of a mix and type, which is agreed and supported by the Affordable Housing Officer.

Design and Layout

- 17.24 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.
- 17.25 A linear development is proposed with the properties set back behind a greensward. Units at either end are set forward and at right angles to the road to bookend the development and provide a sense of enclosure and interest. The linear form of development reflects the existing development on the opposite side of the road.
- 17.26 The site includes a footpath link to and from the site to the north and south. The scheme also includes a small woodland extension to the north and a linear open space to the west which will, these along with the landscaping proposed, contribute positively to the character of the development.
- 17.27 A single access point is proposed from Brook Road which turns within the site to run parallel to the road. Garages and parking spaces are generally set behind the dwellings. Visitor parking spaces are indicated in the form of a layby along the internal road. A footpath adjacent to the internal road extends along the frontage of the site.
- 17.28 The proposed units are of traditional design; including the use of traditional materials. Pitched roofs will have either artificial slate or plain tiles and the elevations will be faced in brick, render or boarding. The Design and Access Statement indicates precedents for detailing and scale of the proposed dwellings are taken from the range of modern and established single and 2 storey dwellings along Brook Road; details include stone cills and lintels, reveals, roof joinery details of white painted timber fascia, bargeboards and

exposed rafters. Further refinements to the designs have been negotiated including hipped roofs and chimneys to add variation to the roof scape, and amendments to the materials to introduce a second roof material.

- 17.29 Private amenity space is provided to all the dwellings in accordance with adopted standards.
- 17.30 The layout and design of the proposed dwellings is considered acceptable. Efforts have been made by the site promoter to incorporate advice given at pre-application stage and from the public consultations on the site.

Scale, Height and Massing

- 17.31 The units are either two storey or single storey and are of a domestic scale and massing reflecting the scale, height and massing of properties opposite the site.

Impacts on Neighbouring Properties

- 17.32 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.
- 17.33 The application site backs onto farmland; there is also farmland to the south boundary. To the north the nearest dwelling is The Rectory which is some 30 metres from the site and surrounded by trees. New planting on the north boundary is proposed providing further screening to this property from the development.
- 17.34 The new dwellings will face existing properties on the opposite side on Brook Road. The new properties are a maximum of two storeys high and will be set back from the site frontage behind a greensward and boundary hedge. Two of the proposed dwellings at either end of the site will be at right angles to the road with a distance of approximately 20 metres from their side wall to the front wall of the properties opposite; dwellings which face those opposite will have a distance of approximately 70 metres.
- 17.35 It is considered the dwellings will not have an adverse impact on neighbouring properties due to loss of privacy or overlooking.
- 17.36 To satisfy highway requirements a single point of access is proposed. The access is located to ensure that highway safety is not compromised and satisfactory sight splays can be achieved. It is accepted the use of the access will result in the loss of some amenity to the residents opposite the access point.

- 17.37 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 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.
- 17.38 The proposal is considered to meet the requirements of Policy DP1 in terms of impacts on public and residential amenity subject to necessary conditions.

Highway Safety and Parking Provisions (including Cycling)

- 17.39 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. 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.
- 17.40 In terms of sustainability, the site is well-located in relation to services and facilities for a village edge/rural location and has been identified in the Emerging Local Plan as a suitable location for limited new residential development. The Framework states, at paragraph 78, that housing should be located 'where it will enhance or maintain the vitality of rural communities'; additional housing in this location is considered to support existing services and facilities within the village.
- 17.41 The site will be served by a single vehicular access point to the south of the site frontage and includes a pedestrian path behind the frontage hedge. The access will have sight splays of 2.4 x 90m and a junction 6 metres wide this narrows after 6 metres to a 4.8 shared surface with a turning head. Parking is proposed to meet adopted standards.
- 17.42 The Highway Authority has raised no objection on highway grounds subject to conditions and the proposal is considered acceptable in highway terms.

Flood Risk and Drainage:

- 17.43 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, including the appropriate use of SUDs for managing surface water runoff.

- 17.44 The Flood Risk Assessment and Surface Water Report concludes that the site is located within the Flood Zone 1, which means that there is a low probability of flooding (less than 0.1%), therefore all uses of land are appropriate in this zone. The assessment has investigated the possibility of groundwater flooding. It is considered that there will be a low risk of groundwater flooding across the site which will be mitigated further by having floor levels 150mm higher than ground levels and a Water Exclusion Strategy to protect foundations. There is a very low surface water and sewer flood risk across the site. An assessment of the practical use of sustainable drainage techniques has been carried out. As soil types will not support the effective use of infiltration devices, it is proposed that surface water is attenuated through the use of permeable paving prior to discharge into the adjacent ditch.
- 17.45 The Flood Risk Assessment has demonstrated in accordance with the Framework that the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate. Essex County Council, as Lead Local Flood Authority, have agreed to the Surface Water Drainage Scheme concept and have recommended conditions to secure detailed proposals

Natural Environment & Biodiversity (Trees, Landscape Impact, Ecology)

- 17.46 Section 40 of the Natural Environment and rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the Framework is that planning should contribute to conserving and enhancing the natural environment. 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 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. Landscape and Trees
- 17.47 The hedges and one group of trees on the site have been surveyed and categorised according to BS5837: 2012, there are no trees in category A or C; trees and the hedges all fall into category B. The Tree Reports identify that the hedgerows have all been allowed to get overly tall and they lack depth, which means that their wildlife value is reduced to a degree. It is recommended that they are reduced in height by 50%. The report refers to a group of trees growing outside the site and confirms these trees would not be affected by the proposals.

- 17.48 The hedgerows are all along the site boundaries and will all remain at a reduced height, except where removal of sections to provide the vehicular and pedestrian accesses is required and where pruning is required to provide the visibility splay. A number of the garages and garden walls of the proposed houses fall with the Root Protection Area of the hedgerows and a condition is recommended to secure appropriate construction methods.
- 17.49 The hedges and group of trees on the site have amenity value locally as they are seen directly from the village edge, but they also have a wider reaching importance as they contribute to the rural landscape setting and local landscape structure of the area. A comprehensive landscape scheme is proposed which includes new planting within the existing hedgerow and tree planting within the proposed greensward and landscape buffer. It is considered the retained vegetation will still enhance the rural setting, therefore continuing to contribute to the local amenity.
- 17.50 An Ecological Impact Assessment (EclA) has been submitted with the application. It concludes the hedgerows/treelines are the features of highest ecological value on the site. Signs or evidence of protected, priority or rare species were not found. Habitats present were unlikely to support a significant population of such species. Further ecological surveys were considered unnecessary. However, to minimise any residual risk of impact to bats, birds, amphibians, and hedgehogs, precautionary measures should be followed. Biodiversity enhancements are included in the report in accordance with national planning policy.
- 17.51 The following precautionary measures are recommended
- Bats. External lighting be minimised and should be LED with glass glazing, external lighting should be aimed, external security lighting should be set on short timers, trees required for removal should be replaced on a one-for-one basis.
 - Amphibians or hedgehogs. The site should remain cultivated until construction commences, before construction commences the site should be fenced with a low temporary wildlife fencing it is recommended that boundary fencing should be post and rail fencing open at the bottom or any close-board fencing should have gaps cut in the base for access.
 - Birds. Clearance or reduction of shrubs and trees should commence outside of the main bird breeding season (March until the end of August).
 - Habitats. To compensate for the loss of hedgerow/treeline length, it is recommended that a new mixed, native species hedgerow be planted to be at least equal in length to that which is lost.
 - Enhancements. The addition of bat boxes and bird boxes on new buildings or retained trees. New soft landscaping will be native and wildlife attracting. Including the use of a wildflower seed mix for any proposed lawn areas.

- 17.52 These measures will be secured by condition and it is considered the proposed development will have only a minimal risk of significant harm or impact to protected, priority or rare species or habitats. With the biodiversity enhancements followed as described, the development would be improved for biodiversity in accordance with national planning policies.
- 17.53 The impact of the proposal upon European designated sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) also has to be considered. The whole of Colchester Borough is within the zone of influence (Zoi) of relevant sites as identified and set out in the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) and the proposal is thus subject to Appropriate Assessment (AA) under the Habitats Regulations. An AA has been carried out and concludes that the proposal, being for 15 dwellings, is likely to have a significant effect upon the interest features of Habitat sites [Colne Estuary SPA and Ramsar site, Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site (south shore) and Essex Estuaries SAC] through increased recreational pressure, when considered either alone or in-combination with other plans and projects.
- 17.54 As the development is for 15 dwellings on-site mitigation is not required, off-site mitigation is required in the form of a monetary contribution which will be secured in the section 106 agreement.
- 17.55 On the basis of the above, the proposal is considered to be capable of satisfactorily mitigating the impact of the development upon ecology.

Heritage Matters

- 17.56 There is a statutory requirement for planning applications to be determined in accordance with development plan policies unless material consideration indicate otherwise. In terms of built heritage, Core Strategy Policy ENV1 and Development Plan Policy DP14 are the most relevant. Both policies seek to protect the heritage assets. 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. However, as this policy does not contain a 'balancing mechanism' to allow the public benefits identified to be weighed in the 'planning balance' against the wider indirect harm identified to setting, it is partially out of date with the Framework which requires in cases of less than substantial harm, for the public benefits to be weighed against the public benefits requires and consequently DP14 must be afforded lesser weight.
- 17.57 The National Planning Policy Framework (the Framework) is also a material planning consideration. A Core Principle of the Framework is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 17.58 Paragraph 189 of the Framework requires the applicant to describe the significance of any heritage asset that may be affected by a proposed development, including any contribution made to their setting. In determining planning applications, paragraph 192 of the Framework includes a requirement for local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. Furthermore, paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 makes it clear that any harm to, or loss, of the significance of a designated heritage asset should require clear and convincing justification. Levels of harm are described as substantial harm (or total loss of significance of) or less than substantial harm.
- 17.59 Paragraph 196 of the Framework states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 17.60 The main heritage issue raised by this application is the effect that the proposed development would have on the setting of nearby listed buildings, Rectory Cottages located to the north of the application site and the conservation area which abuts the north and part west boundary of the site.
- 17.61 The specialist officer has been involved in discussions at pre-application stage and suggested amendments to the layout including screening to be provided by new landscaped areas. These amendments have been included as part of the application proposal. It is considered the proposal, would not materially adversely affect the setting of the listed building or adversely affect the character and appearance of the conservation area, it will result in less than substantial harm to heritage assets as a result of the inevitable urbanising effect of new residential development upon their wider rural setting. It is considered in this instance to be acceptable as the public benefits associated with the delivery of the development are considered to demonstrably outweigh the very limited harm identified.
- 17.62 In terms of archaeology this development affects an area of archaeological interest, to the south of the remains of a medieval moated enclosure is recorded immediately to the north of the proposed development area (HER Monument no. MCC7008). However the archaeology specialist concludes there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets and has no objection subject to a condition and financial contribution.

Other Matters

Contamination

- 17.63 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. A Geoenvironmental Assessment (GA) has been submitted in support of the application. The Council's Contaminated Land Officer has considered the submission and concluded that no potential sources of contaminative risk have been identified subject to conditions.

18.0 Conclusion and the Planning Balance

- 18.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the emerging Local but is contrary to the adopted Local Plan as the site is outside the settlement boundary of Great Tey. The National Planning Policy Framework (the Framework) makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies 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 support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy.
- 18.2 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 as it would achieve 15 dwellings required to support growth in Great Tey (as set out in the Colchester Borough Council Objective Assessment of Housing Need) and is located within walking distance of a number of key local services and facilities required for day-to-day living. The provision of 4 affordable units is also advantageous.
- 18.3 In respect of the third dimension (environmental), the proposal will provide housing in a sustainable location so that future residents would not be completely reliant on private car, being able to walk or use public transport to access some necessary services and facilities, thereby minimising environmental impacts; soft landscaping and ecological enhancements can also be secured as part of the development. 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. Whilst the proposed development would have an impact on the existing character of the site by introducing built development where there is none currently which weigh against the proposal, the positive economic and social effects, as well as

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the sustainability of the proposal would weigh in favour of this scheme and are judged to outweigh the any shortcomings identified given the weight afforded to the supply of new homes in the Framework.

- 18.4 In conclusion, it is considered that the public benefits of the scheme outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis.

19.0 Recommendation to Committee

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

- 19.2 The legal agreement will secure the following;

- Affordable Housing 4 units Plot 1, Plot 2 and Plot 3 being constructed to Building Regs standard Part M4 Cat 3 2 a (all Affordable Rent) and Plot 4 (Shared Ownership)
- Open Space Sport & Recreation contribution of £81,260,89.00- to be used for improvements to the children's play park and sports facilities including gym equipment at Great Tey Recreation Ground
- Communities Services contribution of £25,058.00 - to be used to fund improvements to Great Tey School Community Pool (a Community Use Agreement may be required to ensure the swimming pool is available for community use not just school use)
- Archaeology contribution of £3,153.00 (£2,400 for an interpretation panel, £753 for enhancement of Colchester HER)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution of £122.30 per unit.

- 19.3 Upon completion of the above agreement, to grant planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. Z1A – Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

3. Provision of Vehicular Access and Visibility Splays

The proposed vehicular access and visibility splays shall be provided in complete accord with the details shown in Drawing Numbered 3234:001 Rev P.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. Surface Treatment of Vehicular Access

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. Recycling/bin/refuse Collection Point

Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6. Location of New or Proposed Boundary Hedge

Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. Highway Details to be Submitted Prior to Commencement

Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

8. Internal Road and Footway Provided Prior to Occupation

Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in accord with Drawing Numbered 3034:001 Rev P.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

9. Provide Off-Street Parking

All off street car parking shall be provided in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

10. Cycle Storage

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

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

11. Residential Travel Information Packs

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

12. Construction Management Plan Highways

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors

- ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilities
- Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

13.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: not at all

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.

14. 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;
 - 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;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction; and
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Notification of the Parish Council of a construction phase plan

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.

15.Electric Vehicle 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.

16. 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 recommendations set out in the Preliminary Ecological Appraisal Including protected Species Scoping Assessment dated June 2018 updated August 2019. 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.

17. 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; decorative brickwork, pence boards, cills, lintels, exposed eaves, decorative timberwork, chimneys, 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.

18. Archaeological Work

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 Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

NB CBC Archaeologist will on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Pre-determination archaeological evaluation is not required for this proposal. However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

19. Surface Water Drainage

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s) . The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 0.6l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

20. Minimise the Risk of Offsite Flooding

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

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

21. Maintenance Plan for Surface Water Drainage

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

22. Suds Maintenance Logs

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

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

23. Reporting of Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with 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.

24. Public Open Space & Communal Storage Areas Management Company

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of the public open space, greensward, amenity areas and other public areas and provide for the long term maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail shall include the constitution of the company which shall follow best practice including the code of conduct of the Royal Institution of Chartered Surveyors (RICS) and shall be accredited by the Association of Residential Managing Agents (ARMA).

Reason: The application contains insufficient information to ensure that the public open space and any communal storage areas will be appropriately maintained to a satisfactory condition and there is a potential adverse impact on the quality of the environment for residents and the wider community.

25. ZDM - Retaining Garage for Parking

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

26. Full Landscape Proposals

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

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

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

27. ZFE - Landscape Management Plan

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

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

28.ZFQ - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

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

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

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

30.Tree Hedge Protection

The development shall be implemented in accordance with the recommendations of the Tree Survey Report (Arboricultural Report including Arboricultural Assessment Report) dated September 2019 .

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

31.Provision of Pedestrian Path

Prior to the first occupation of the development, the pedestrian path indicated on drawing no 3234:001 rev r, shall be provided to the satisfaction of the Local Planning Authority. The path shall thereafter be retained for public use.

Reason: In the interest of public amenity.

20.0 Informatives

1. ZT0 – Advisory Note on Construction & Demolition

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

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

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development. This is of critical importance.** If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular

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attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

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

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

4. ZTG - 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.

5. Highway Informative 1:

The public's rights and ease of passage over Public Footpath No.19 (Great Tey) shall be maintained free and unobstructed at all times.

6. Highway Informative2:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

7. 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>

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

8. Essex County Council Informatives

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.



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

Item No: 7.4

Application: 192090

Applicant: University Of Essex And Uliving

Agent: Miss Catrin Davies, JTS Partnership

Proposal: Construction of five buildings to provide 1204 new student bedrooms arranged as cluster flats and 58 studios, with social and administrative facilities, associated hard and soft landscaping, cycle parking, bin stores and vehicle access and turning.

Location: West Knowledge Gateway Site, Capon Road & Annan Roads, Colchester

Ward: Wivenhoe

Officer: Annabel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee as it is a major application that requires S106 legal agreement and as it is a major application where an objection has been received.

2.0 Synopsis

- 2.1 The application seeks full planning permission for the development of five buildings on University owned land. The buildings are to provide 1204 student bedrooms arranged in cluster flats and 58 studios, the development therefore is to provide accommodation for a total of 1262 students. The buildings will also include social and administrative facilities, hard and soft landscaping, cycle parking, bin stores, vehicle access and turning.
- 2.2 The key issues for consideration are design; scale and form of the buildings; impact on archaeology in relation to identified burial mounds; and contributions to mitigate the development.
- 2.3 The planning merits of the application are assessed, and it is concluded that the development is acceptable, resulting in a recommendation that planning permission is approved subject to conditions and a legal agreement.

3.0 Site Description and Context

- 3.1 The application is made jointly by the University of Essex and their partner, a consortium comprising of Uliving and Equitix. The consortium work in partnership with the University to deliver and operate halls of residence on behalf of the University. The University retains responsibility for the pastoral care of student residents and maintains the grounds and provides security services.
- 3.2 The University's six-year strategy 2019 – 2025 aims to grow from 16,500 students to a community of about 20,000 students. The University seeks to provide accommodation to all students in their first year of study, plus other prioritised groups that have a need for on-campus accommodation (e.g. disabled students, under 18's). This target is currently being achieved, but to keep this promise to continue to grow and reduce the pressure on the market housing in Colchester, the University have identified a need to build new accommodation.
- 3.3 The site is currently vacant sitting at the edge of the University's land ownership, on the University campus. The site is bounded on the east and south by University estate roads Capon and Annan Roads, with Salary Brook to the west and north. The site was raised out of the flood plain of the Salary Brook as part of enabling infrastructure works undertaken in 2010 / 2011. The site is rough grass with no landscape features apart from a line of 12 Field Maple trees along the Annan Road boundary.

- 3.4 To the north west the nearest residential development at Triumph Close / Mascot Square is 78m from the application site boundary. The two houses at 57 and 59 Elmstead Road, are to the north east, 57 Elmstead Road lies 22m to the north of the site (boundary to boundary). The boundary of the ambulance station site adjoins the northern entrance to the application site.
- 3.5 The listed Salary Brook Farmhouse sits to the east of Capon Road. The farmhouse has later addition barns which form the farmyard. These barns block direct views between the site and the original farmhouse.
- 3.6 At the southwest corner of the site sits the pedestrian footbridge across Salary Brook and the railway line which is to the west of the site.
- 3.7 There are a group of four prehistoric barrows (burial mounds), two of which survive as upstanding remains, within and adjacent to the site. The group is currently being considered for identification as a Scheduled Ancient Monument. All but one of the barrows lie to the west of the development area. The site has been subject to previous phases of archaeological investigation; other archaeological remains were of post-medieval date and of low significance. Further trench investigations were requested by the local authority's Archaeological Officer. These investigations have been completed by the applicant with no additional finds.

4.0 Description of the Proposal

- 4.1 The application seeks full planning permission for the development of five buildings on University owned land. The buildings are to provide 1204 student bedrooms arranged in cluster flats and 58 studios, the development therefore is to provide accommodation for a total of 1262 students. The buildings will also include social and administrative facilities, hard and soft landscaping, cycle parking, bin stores, vehicle access and turning.
- 4.2 The accommodation is split into three room types: 285 standard rooms which have shared bathrooms; 911 en-suite bedrooms and 58 studios. Standard rooms are arranged in 12- bed flats and en-suite rooms are arranged in 10 and 12 bed flats.
- 4.3 A new 'hub' will be located in Block C to provide a reception, post room and administrative area which will be the student service center for the wider Meadows Group (of The Quays, Meadows 1, The Copse and the proposed scheme). Staff welfare, facilities management store and bin store will also be located in Blocks A and C.
- 4.4 The buildings are arranged to create two undergraduate courtyards and a third neutral student space. Landscaping will also be used to define the barrows.

- 4.5 The development will proceed in two phases. Phase 1 works, comprising of blocks A and E, are scheduled to commence in Spring 2020 and completed by September 2021. Phase 2 which will comprise of blocks B, C and D will be completed by September 2022. The University needs to deliver a minimum numbers of rooms (at least 2 of the 5 buildings) by Sept 2021 if it is to meet its growth targets. Unfortunately, Building C which holds the student services is too 'large' to be completed by that crucial date, hence Phase 1 comprise Buildings A and E. There are existing facilities management offices in the Meadows 1 and at the Quays development, from which Phase 1 will be managed from until Phase 2 (and Building C) is completed. The whole facilities management operation, for all four sites, including the Meadows phase 3, phase 1, the Copse and the Quays will then move to The Hub located in Building C.
- 4.6 Block A is the building fronting Annan Road, the block is 6 storeys and contains 285 rooms, a total of 24 flats.
- 4.7 Block B creates one of the undergraduate courtyards with block D and is located closest to the existing residential development. The block is 4 storeys and contains 215 rooms including 1 adjustable room, a total of 24 flats.
- 4.8 Block C is the building fronting Capon Road. The block has both 5 and 6 storey elements and includes the single storey hub. The block contains 302 rooms including 1 adjustable room, a total of 24 flats. Block C also houses the 58 studio flats.
- 4.9 Block D creates one of the undergraduate courtyards and is within the centre of the development. The block has 5 storeys and contains 204 rooms in 20 flats.
- 4.10 Block E creates the second undergraduate courtyard with block A. The block has 6 storeys containing 246 rooms in 24 flats.
- 4.11 There are a variety of materials to be used on the development including brick, render, zinc and coloured cladding.

5.0 Land Use Allocation

Vacant – allocated for residential development.

6.0 Relevant Planning History

- 6.1 190182 – Preliminary Enquiry. The Council's response helped to inform the current proposal.
- 6.2 The Knowledge Gateway lies adjacent to the main University campus and was initially developed in accordance with three outline planning permissions (reference: 05/2046; 05/1134 renewed as 07/1531; and 05/1131 renewed as 09/1642).

- 6.3 These outline permissions expired in 2011/2012 and new development has since been the subject of applications for full planning permission which include: 146358 for Parkside II, 152219 for The Innovation Centre and 152613 for The Copse.

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
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 – Public Transport
TA4 – Roads and Traffic
TA5 – Parking
ENV1 – Environment
ER1 Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

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

SA EC1 Residential development in East Colchester
SA EC2 Development in East Colchester

- 7.5 There are no relevant Neighbourhood Plans.

- 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 in this instance.

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

The Essex Design Guide
External Materials in New Developments
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
Planning Out Crime

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

Assets affected

Anglian Water have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practical then the sewers will need to be diverted at the developer cost under Section 185 of the Water Industry Act 1991 on, in the case of apparatus under an adoption agreement, leave with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment.

The Foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows.

Recommended condition:

No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

[Planning Officer Comment: The recommended condition is not required as this will be fully mitigated by the conditions imposed with regards to sustainable drainage.]

8.3 Arboricultural Officer

Regarding the proposed development and the Tree report provided: I am in agreement with the information provided. The proposal requires the loss of a small number of trees that are of low amenity value. This loss is more than compensated by the proposed tree planting scheme. In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.

Recommendation: Agreement to the landscape aspect of the application subject to condition Recommended Landscape Conditions: Make the tree report an approved document.

8.4 Archaeological Officer

An adequate programme of archaeological evaluation has been completed and the results submitted with the application. This work has demonstrated that no material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any further archaeological investigation.

In terms of management of the group of barrows, which is the subject of a current Scheduled Monument application, the landscape management strategy should make provision for the adequate management of the upstanding barrows immediately outside of the application area (but which are part of a single monument complex). I would be pleased to provide further information on request.

It is anticipated that the provision of an information/interpretation panel relating to the presentation of the archaeological remains on the south side of the development will be secured by a S106 agreement.

8.5 Contaminated Land Officer

Re: Idom, 'Geo-environmental Assessment, University of Essex Student Accommodation Phase 2B/2C' Ref GEA- 21968-19-293, dated 05/07/19 I note the above is included on the planning file. This is an acceptable report for Environmental Protection's purposes (note that the geotechnical aspects of this report have not been assessed). As a result of a desk study and intrusive investigation, it is stated that: soils on site are generally considered to be chemically suitable for re-use, however, an area of asbestos cement contamination was identified; groundwater monitoring results do not show any significant source of potential contamination; gas monitoring has been undertaken on four occasions with some elevated levels of ground gas encountered at one location (MBH5); imported soils will be required for landscaped areas.

I note that some recommendations for further risk assessment and remediation have been made, including the removal of visible asbestos cement debris and further investigation, monitoring and risk assessment of the gassing regime in the vicinity of borehole MBH5, to confirm whether or not ground gas precautionary measures will be required. A detailed Remediation Method Statement is recommended to address these matters.

However, based on the information provided, the recommendations would appear reasonable and it would appear that the site could be made suitable for the proposed use, with these matters dealt with by way of planning condition. Consequently, should this application be approved, we would recommend inclusion conditions to secure site characterisation, remediation, and the process in the event of encountering any unexpected contamination.

8.6 Cadent Gas

There is apparatus in the vicinity of the application site which may be affected by the activities specified. Request that Plant Protection is informed of the decision that the Authority is likely to make regarding the application.

Advice that, 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 Conservation and Built Heritage Officer

The application includes a Heritage Statement which complies with NPPF's Par. 189 that requires from applicants to describe the significance of any heritage assets affected by the proposal with a level of detail which is proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The impact assessment on designated heritage assets involves mainly the setting of the Grade II Salary brook Farmhouse (List UID 1337705) to the NE of the application site. As discussed by the report, the wider setting of the 18th c. farmhouse has been altered already by existing development and is expected to be affected further in the future as the land around the listed building is allocated to further development for educational, commercial and residential use. Taking into account this context, the impact of the scheme on the setting of the farmhouse is classified as less-than substantial, according to the NPPF's definitions. As the project is linked to the University's expansion which is associated to strategic benefits for the growth and economy of the Borough, this less-than -substantial harm is considered sufficiently outweighed by the expected public benefits, to satisfy the requirement that are set by NPPF's Par. 196.

The impact on the Wivenhoe Park (Grade II Registered Park, List UID 1000371) is of lesser concern as there is greater distance between the application site and the registered park, while existing and planned development in between will serve to limit or screen entirely the views of the proposed buildings from the designated park.

In terms of the scheme's impact to the undesignated Barrows to the SW corner of the site, the constraint of the proposed Schedule Monument's presence was identified in the early planning stages and has been the subject of consultation with Historic England and the Council's Archaeological Officer.

Taking into account the above, there are no objections to the application on heritage grounds.

8.8 Colchester Cycling Campaign

This is a major development that will introduce a lot more people to the campus, and it is vital that the university caters for active travel and gets it right first time.

CHANGES TO THE BRIDGE

As mentioned in the transport plan, a bridge links the campus with University Quays, the Wivenhoe Trail, private student accommodation on the Hythe and the proposed Sainsbury supermarket on Lightship Way.

The plan includes the bridge as part of the "cycle network" but goes on to point out that the university does not allow cyclists to ride over it.

This is despite the fact that it was intended to be a cycle/pedestrian bridge (see contemporary news reports and the original planning application).

8.9 Environmental Agency

We have reviewed the plans as submitted and we have no objection to this planning application because the site is currently defended and the SMP policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

Our maps show the site lies within fluvial and tidal Flood Zone 3 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for university student accommodation, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). To assist you in making an informed decision about the flood risk affecting this site, the Actual Tidal Risk

- The site is currently protected by flood defences and the Colne Barrier which is above the future 0.5% (1 in 200) annual probability flood level. Therefore the site is not at risk of flooding in this event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed, which is dependent on future funding.

Actual Fluvial Risk

- The site has already been raised by approximately a metre to a height of 3.10mAOD, and compensatory flood storage has been constructed to ensure that the land raising did not increase flood risk elsewhere. The site is now above the extreme 0.1% (1:1000) annual probability flood level including climate change of 2.60mAOD so is not at risk of fluvial flooding from Salary Brook adjacent to the site. The land raising and compensatory flood storage was granted planning permission in application 091662, the

Environment Agency were consulted on these proposals and had no objections.

Residual Tidal Flood Risk

- Section 3.1.1 of the FRA explores the residual risk of a breach of the defences or Colne Barrier by using the worst-case undefended on site flood levels. The 0.5% (1:200) annual probability flood level including climate change is 5.04mAOD, and the 0.1% (1:1000) annual probability flood level including climate change is 5.28mAOD.
- The existing site level is 3.10mAOD, and the FRA proposes raising this to 3.80mAOD as part of the application.
- Therefore in the 0.5% (1:200) annual probability breach flood event including climate change the worst-case depth of flooding on the site would be 1.24m deep. In the extreme 0.1%(1:1000) annual probability breach flood event including climate change the worst-case depth of flooding is 1.48m deep.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) and 0.1% (1:1000) annual probability flood events including climate change.
- Finished ground floor levels have been proposed at 3.96 m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 5.04 m AOD and therefore at risk of flooding by 1.08m depth in this event.
- Flood resilience measures have been proposed.
- All residential buildings are multi-storey and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 5.28m AOD with 1.32m of flooding on the ground floor. It is not clear whether the refuge accessible to ground floor occupants would be solely the stairwells or whether the apartment living areas would be open to all people within the building, and therefore provide a more adequate refuge area. A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of a breach flood.
- The site is downstream of three reservoirs so the LPA should ensure that the offsite plans of the reservoirs are sufficient to ensure the safety of the occupants in the event of a failure of a reservoir.

Shoreline Management Plan / Catchment Flood Management Plan

The current defences protect this community against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response. The Essex and South Suffolk Shoreline Management

Plan (SMP) has a policy of 'Hold the Line' until 2105 for the River Colne, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event.

8.10 Environmental Protection

Recommended conditions: Construction Method Statement; acoustic assessment; lighting; provision of refuse and recycling facilities; management of communal storage areas; and provision of facilities for litter disposal and collection.

Planning Officer Comments:

- *Noise report by Cole Jarman 18/0661/R3 reviewed and acceptable. Note plant noise limits have been set and must be adhered to.*
- *Environmental protection has reviewed the refuse and recycling facilities on the submitted plans and area satisfied.*
- *Full operating and management arrangement are set out in DAS. Reviewed by Environmental Protection and considered to be acceptable.*

8.11 Essex Police

Essex Police wish to offer comment with regard this planning application in respect of the potential for Designing Out Crime in pursuance of the guidance offered within National Planning Policy Framework (NPPF).

The applicant and the Essex Police are already involved in constructive pre-application consultation and Essex Police is content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately.

Essex Police provide a free, impartial advice service to any applicants who request a service. The intended outcome of the service is to promote CPTED, a key enabler being encouraging and supporting applicants to achieve certification to an appropriate level under the nationally acknowledged and police recommended Secured by Design award system.

8.12 Highways Authority

Provided the submitted Construction Management Plan is amended to show sufficient parking for those involved in constructing the development for each phase of construction and the overall University Travel Plan is updated to take the development into account, from a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

8.13 Historic England

The proposed development will be situated within the setting of, and in close proximity to a group of prehistoric burial mounds which Historic England has recommended to the secretary of State the designated as scheduled monuments for this national archaeology importance. Historic England has engaged in pre- application discussion with the application which has influence the form of the development the treatment of the heritage assets so as to meet the aims and objective of the NPPF in respect of the historic environment.

The buried remains of Bronze Age barrow cemeteries are widespread, however, the additional survival of their extant earthwork mound is less so, and such earthworks are particularly rare in the East of England. The barrow cemetery north of Annan road now comprises the earthworks and buried archaeological remains of four barrows. The northernmost barrow sits within the proposed development area, while the others are within a fences area between the footbridge and the Salary Brook for with a local nature reserve is proposed.

Although changes to the local topography and the development of the railway and the university campus mean that the historic topographical setting of the cemetery has been eroded, the immediate setting of the barrows is one of open grassland, unencumbered by built features or hard landscaping. Within the context of the proposed development, the introduction of the new building would impact on the current opening setting of the barrow cemetery, and although amendments to the location of the blocks have been implemented, the development would result in a degree of harm to their significance, while the proposed landscaping proposals for barrow A (which falls within the development area) would provide a modest heritage benefit.

The NPPF states that non-designated heritage asses of archaeological interest which are demonstrably of equivalent significance to scheduled monument should be considered subject to the policies for designated heritage assets and that any harm or loss of, the significance of a designated heritage asset (from its alternation or destruction of from development within its setting), should require clear and convincing justification. Where a development proposed will lead to less that substantial harm to the significance of a designated heritage asset, this harm should be weighed agent the public benefits of the proposal.

In considering this application your council should weigh the harm which would be caused to the significance of heritage assets and measures which would provide heritage benefits with public benefits arising from the development in line with the aims and objective of the NPPF.

8.14 Landscape Officer

The landscape content/aspect of the strategic proposals lodged on 15/08/19 under drawing(s) M2B2C-OSP-XT-GF-GA-L-220001, 2, 3, 4, 5, 6 & 12 and M2B2C-OSP-XT-GF-SH-L-420000 and the Landscape & Visual Impact Assessment M2B2C.OSP.XT.ZZ.RP.L.020007.P04 & 020008.P03 would appear satisfactory.

In conclusion, there are no objections to this application on landscape grounds.

The following condition(s) is/are recommended to secure detailed landscape works and a landscape management plan.

Recommended 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).'

8.15 Natural England

Comments following submission of an Appropriate Assessment:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

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 the on-site mitigation measures, including cycle and footpath links to the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

8.16 NHS

The North East Essex Clinical Commissioning Group initially made a contribution request of £323,919 on the 9th September 2019. This request was withdrawn on the 21 November following negotiation to replace the contribution was a Memorandum of Understanding. Please see *appendix 1*.

8.17 Colchester Planning Policy

As discussed, I confirm that the site the subject of this application is supported for residential development in the Adopted Local Plan. In terms of planning policy there is no justification to vary the approach for accommodation which is intended to provide for student accommodation, so therefore this is also supported in principle in this location. Its proximity to the University and other similar developments as envisaged in the Masterplan, is a logical location for further student accommodation supporting the growth ambitions of the university and the associated benefits for Colchester.

To conclude the proposal is supported by policy in principle, subject to all other detailed matters being satisfactorily addressed.

8.18 Sustainable Drainage Systems

No objection subject to conditions for: detailed surface water drainage scheme; scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction; and maintenance and management plan for the surface water drainage system.

8.19 Transport and sustainability

Initially requested contributions:

Project	Total costs	% of total costs to be borne by this application	total costs to be borne by this application	Justification
University wayfinding	£170,000	10%	£17,000	The proposed accommodation is one of the

				accommodations contributing towards this project
Walking route to town centre (footpath and footway from Hythe Quay to Magdalen Street)	£300,000	10%	£30,000	This will be the route students at the new accommodation will use to access the town centre as well as others accommodation locations within and on the western side of the campus.
Walking & cycling route to Hythe rail station from (Elmstead Road, Greenstead Road and Hythe Station Road)	£250,000	10%	£25,000	This will be the route students at the new accommodation will use to access the rail station as well as others within campus
Upgrade the zig zag bridge and link to Wivenhoe Trail	£1,000,000	33%	£333,000	This will be the main walking and cycling route to the town centre for the proposed accommodation and existing University residents and students.
Car Club			£6,000	Contribution towards a University on site car club.
Total			£411,000	

Several meetings have been held to discuss the contribution requests.

The following has been agreed by both parties:

A pre-commencement contribution of £200,000 and minimum of £200,000 to implement initiatives of a new Travel Plan.

Please see *appendix 2* for the draft heads of terms for further details.

8.20 Urban Designer

Proposals have improved through lengthy dialogue but sadly still don't represent good design as required by national and local policy guidance and from experience I am unconvinced that concerns can be adequately addressed through condition. The key obstacle appears to be lack of design investment, noting comparable recent local student accommodation schemes (e.g. St Botolphs, Magdalen Street and Hythe Mills) appear noticeably more invested in, despite comparable rents and this site being within the universities own greenfield grounds. I understand no viability appraisal has been provided to justify reduced design standards. I would therefore object to the scheme without further suitable revision, or suggest the decision is deferred to secure further improvements through delegated powers as proved effective in suitably improving the Hythe Mills scheme.

It should be noted the scheme is not without merit and good aspects include:

- The car-free approach supported by remote parking, enables a safe, tranquil and gardened external environment including some promising internal amenity spaces;
- The layout provides some interesting building footprints and spaces, whilst still relating to adjoining straight streets;
- Buildings have a good legible sense of hierarchy and structure focussed on defined communal areas, and aided by geometry and symmetry;
- Building designs are ordered;
- There has been some attempt to break down the massing into smaller design elements; and
- There is some good quality detailing and fenestration, e.g. deep reveals (albeit to be clarified on plans), rusticated brickwork and some full height openings to priority communal areas.

However, I would highlight the following outstanding issues:

- Materials generally lack good materiality needed for such a stripped-back design approach, noting much better materials are provided on the above referred to student accommodation schemes. There is additional concern that the white render will become dirty over time (as per Meadows Phase 1) but without any mitigating form interest to distract (as benefitting Meadows Phase 2 – The Copse);
- The massing still appears excessively monolithic, not being adequately broken down into distinct parts and/or benefitting from sufficient architectural interest;
- The horizontally emphasised fenestration lacks structural elegance, contributes to the development's sense of horizontally monolithic massing and is overly repetitive;
- There is insufficient high-quality detailing to architecturally refine and express buildings;
- Gable area designs do not appear adequately resolved and especially in relation to the Burrows SAM open space and focal plaza space; and
- The scheme fails to directly extend the strategic foot and cycle green link from Elmstead Road through to the bridge over the railway, i.e. aligned to Salary Brook.

9.0 Parish Council Response

- 9.1 The Wivenhoe Town Council (WTC) have stated that they support this application.

The proposed development falls within the existing footprint of the university. WTC requests that historic sites are considered appropriately, and that consideration is given to the use of the River Colne for construction transportation.

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.

There is one objector of which multiple letters of objection have been received.

A summary of the matters raised:

- Consultation period was flawed as the application has been amended thought-out the planning process.
 - *Planning Officer Comment: The Planning Officer has reviewed the Council's records and consultation letters were sent to the objector's residence on the 15 August and the 28 August 2019. Site notices at four locations where also put up on 27 August and following a change of description further new site notices where put up in the same locations on the 1 Sept 2019. There were also adverts in the press. Therefore, the Council has fulfilled its obligations with regards to consultation. The application has been negotiated throughout the application it is at the officer's discretion as to whether the changes required formal re-consultation as per Government guidance.*
- Planning Officer response – Preliminary Enquiry – principle of the proposed was deemed acceptable.
 - *Planning Officer comment: The application was subject to a preliminary enquiry and was assessed by the Council Principle Planning Officer in accordance with National and Local Policy.*
- Divergence from Master Plan
 - *Planning Officer comment: Please see comments from Planning Policy and section 8.17.*
- Privacy

- *Planning Officer comment: See section Impact on Surrounding area 16.28.*
- Loss of light
 - *Planning Officer comment: See section Impact on Surrounding area 16.28.*
- Light Nuisance
 - *Planning Officer comments: This matter has been assessed by the Council's Environmental Protection Officer and as such a pre-commencement condition requiring a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS is submitted to be approved by the Local Planning Authority.*
- Noise
 - *Planning Officer comment: This matter has been assessed by the Council's Environmental Protection Officer a Noise report by Cole Jarman 18/0661/R3 submitted in support of the application this has been reviewed and is deemed acceptable.*
- Separation and open space
 - *Planning Officer comment: There is to be a landscaping strip to the north of the site and there is a separation of 22m between the boundary of the development site and the 57 Elmstead Road boundary which is considered to be an adequate level of separation.*
- Barrows
 - *Planning Officer comment: See section on archaeology 16.39.*

- Density of Development
 - *Planning Officer comment: The density of the development is in keeping with the density of the existing university campus to which the proposed site most strongly relates too. Paragraph 123 of the National Planning Policy Framework (NPPF) states that it is important that planning policies and decisions avoid development being built at low densities, and ensure that developments make optimal use of the potential of each site.*
- Building appearance, design and materials
 - *Planning Officer comment: See section Design, Scale, Form and Layout 16.12.*
- Construction method and construction traffic
 - *Planning Officer comment: This matter has been assessed by the Council's Environmental Protection Officer and as such a pre-commencement condition requiring the submission of a Construction Method Statement to be approved by the Planning Authority is required.*
- Impact on property not considered
 - *Planning Officer comment: The local planning authority has considered all neighbouring residential development in reaching the recommended decision.*
- Car parking impact on adjacent roads
 - *Planning Officer comments: The University have a policy that students that are residents on campus are not allowed cars. The proposed scheme is a car free development. It is also considered that the students would have little requirement for a personal vehicle as they live and work on the campus. With regards to the requirement to leave the campus this has been fully assessed and will be mitigated by the reviewing Travel Plan and the financial contribution to improved sustainable modes of travel. It is therefore considered that the impact on car parking on adjacent roads have been fully considered.*

11.0 Parking Provision

- 11.1 The proposed application is for a car free development with the exception of disabled residents use and parking for staff associated with the Hub Building.

12.0 Accessibility

- 12.1 With regards to the Equalities Act and compliance with policies DP12 and DP17 with regards to accessibility standards, the proposed provides 4 disabled and adjustable rooms and 4 associated car parking spaces.

13.0 Open Space Provisions

- 13.1 The proposed includes the creation of 3 courtyards, each of the 3 courtyards will have a different landscape treatment to differentiate the spaces.

14.0 Air Quality

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

15.0 Planning Obligations

- 15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

9.1 Summary of S106 Contributions:

- Archaeology: £2,400
- RAMS: £30,868.52
- Transport and Sustainability: £200,000 and minimum of £200,000 to implement initiatives of a new Travel Plan.
 - See *appendix 2* for Draft Heads of Terms.

16.0 Report

- 16.1 The main issues in this case are:

- The Principle of Development
- Design, Scale, Form and Layout
- Impact on the Surrounding Area
- Archaeology – The Barrows
- Flood Risk and Sustainable Drainage
- Landscape and Trees
- Highways, parking and sustainable transport

- Student Amenity
- NHS
- Built Heritage
- Ecology and RAMs
- Environmental and Carbon Implications
- Sustainable design and construction
- Other Matters (refuse and recycling/ contaminated land)

Principle of Development

- 16.2 The applicant is made jointly by the University of Essex, and their partner, a consortium comprising of Uliving and Equitix. The consortium work in partnership with the University to deliver and operate halls of residence on behalf of the University. The University retains responsibility for the pastoral care of student residents and maintains the grounds and provides security services.
- 16.3 The University's strategy 2019-2025 aims to grow overall student numbers to 20,000 by 2024/25, of which approximately 16,000 to 16,500 (currently circa 13,500) will be based at the Colchester Campus - the University has satellite campuses at Southend and Loughton.
- 16.4 The University seeks to provide accommodation to all students in their first year of study, plus other prioritised groups that have a need for on-campus accommodation for example disabled students, under 18's. This target is currently being achieved, but to keep the promise to continue to grow, the University needs to build new accommodation. The university have leased 152 rooms in the private sector for the 19/20 academic year. On campus accommodation helps to reduce the pressure on the market housing in Colchester.
- 16.5 It is estimated that the development will create about 30 full time equivalent jobs, of which 8 to 12 will be administration staff based in the Hub Building. The other jobs will mostly be cleaners and maintenance staff.
- 16.6 The University of Essex is a leading research-intensive university and is ranked in the top 20 for research excellence within the UK. The University currently provides 1870 jobs and indirectly supports a further 2,693 jobs, as well as contributing (latest estimate) £500 million to the local economy.

- 16.7 The Knowledge Gateway lies adjacent to the main University campus and was initially developed in accordance with three outline planning permissions (reference: 05/2046; 05/1134 renewed as 07/1531; and 05/1131 renewed as 09/1642). These outline permissions expired in 2011 / 2012 and new development has since been the subject of applications for full planning permission which include: 14/6358 for Parkside II, 15/2219 for The Innovation Centre and 15/2613 for The Copse. Whilst these recent developments have been the subject of stand-alone permissions, they have generally followed the masterplan approved under ref 05/2046 and a draft revision that was shared with the Council in 2014.
- 16.8 The Knowledge Gateway lies adjacent to the main University campus and has been developed since 2005 with a series of buildings, including student accommodation at the Meadows and the Copse. A 2005 Masterplan allocated the central and eastern parts of the Knowledge Gateway for commercial development, the western part for housing and the southern plots for student accommodation. A 2014 Plan incorporated a number of changes including the reallocation of the western part of the site for further student accommodation, in place of housing.
- 16.9 The 'Spatial Vision', as set out in the adopted Core Strategy, provides that: *'By 2021, Colchester will be a prestigious regional centre.... Key community facilities will be delivered and expanded including the University of Essex...'*
- 16.10 Therefore, the principle of development is long established. The adopted local plan also shows the site being allocated for predominantly residential use. In terms of planning policy there is no justification to vary the approach for accommodation which is intended to provide for student accommodation, therefore the proposed student accommodation is supported in principle in this location. Its proximity to the University and other similar developments as envisaged in the Masterplan, is a logical location for further student accommodation supporting the growth ambitions of the university and the associated benefits for Colchester. The principle of development is therefore considered to be acceptable in planning terms.
- 16.11 Design, Scale, Form and Layout
- 16.12 Core Strategy Policy UR2 states that the Council will promote and secure high quality and inclusive design. Development Policy DP1 requires that all development is designed to a high standard in terms of architectural approach, height, size, scale, form, massing, materials and design details. Good quality design ensures attractive and functional places.
- 16.13 Through the planning process the proposals have improved through lengthy dialogue with the Planning Officer and the Urban Designer.
- 16.14 Particular concerns raised by the Council Urban Designer during the planning application process included:

- The stair towers should be the focus of the buildings.
 - Strongly symmetrical with design and materials.
 - The gables should be stronger features particularly those relating to the barrows.
 - Use the plant buildings on the roof to add extra interest to the form.
 - The bottom floor looks weak particularly on the 5 and 6 storey blocks.
 - Entrances and interest on the public facing sides of the buildings along the estate roads.
 - Poor inappropriate materials.
- 16.15 Following lengthy negotiations, the proposal was revised in order to address design concerns.
- 16.16 Particular changes include:
- Reconfiguration of the buildings to address street frontages at Annan Road and Capon Road.
 - Reconfiguration of the buildings B and D, that lie adjacent to the barrows, to provide a buffer zone as requested by Historic England.
 - Creating a large positive 'student realm' square at the key entrance.
 - Selecting an acceptable palette of materials.
 - Introduction of windows to create active frontages at key locations.
 - Improved integration of escape stairs into the building.
 - strengthening the ground floors with a brick treatments,
 - emphasising the verticality of the cores;
 - introducing activity to gables ends;
 - increasing the steps and breaks in the built form; and
 - introducing relief to the facades.
- 16.17 Despite the changes to the design the Council's Urban Designer still has concerns with the proposed, the Urban Designer considers that the massing still appears excessively monolithic, in that it is not adequately broken down into distinct parts and/or benefitting from sufficient architectural interest and that the horizontally emphasised fenestration lacks structural elegance and is overly repetitive.
- 16.18 The comments from the Urban Designer have been carefully assessed and it is considered that the proposed elevations do constitute good design in line with the policy requirements. It should also be acknowledged that the

design has evolved considerably, and that the applicant have chosen to submit the proposed scheme as the final iteration of the design to be determined in its current format, the applicant is satisfied that the proposed scheme is a high-quality scheme.

- 16.19 The Urban Designer still has concerns with regards to the materials particularly with regards to the use of cladding and render. However, it is considered that the negation of the proposal has elevated the materials used and is considered to be acceptable. It is also considered that the pallet of the materials are in keeping with the context of the wider university campus, particularly the Copse and Meadows 1 developments.
- 16.20 Prominent gable ends now feature zinc standing seam cladding with additional fenestration to gable end bedrooms and stair cores; providing greater visual interest depth and animation. The Urban Designer still has concerns with regards to gables stating that they do not appear adequately resolved. Yet it is considered that the introduction of the fenestration and the zinc which is considered to be a high-quality materials is a suitable manner to treat the gables and adds interest to the prominent features which is particularly importation with regards to the context of the gable facing the Barrows.
- 16.21 The buildings which face onto the Capon and Annan Road have been reconfigured to locate entrances on the road facing side, so creating active frontages. Buildings have been repositioned so as to ensure that there is a good landscape margin for tree planting. The Urban Designer is in states that the layout provides some interesting via the building footprints and spaces, whilst still relating to adjoining straight streets. The elevations onto Annan Road and Capon Road have an enhanced palette of materials and treatments; reflecting their importance as adjacent to the public routes. It is therefore considered that the relation of the development to the University Estate Roads have been successfully resolved.
- 16.22 There are a total of 12 stair cores across the scheme and a mixture of eight core types, which have been used in response to differing contexts. Throughout the negotiations the stair cores have been redesigned in order to rationalise their layout, emphasise verticality and apply a rigorous geometry. Dual access has been introduced to aid permeability through the site. It is focus of the design around the stair cores is a successful element of the design, breaking down the massing and adding additional interest and variety.
- 16.23 The plant rooms that were originally located to the rear of the stair cores have been repositioned to the roofs of the buildings. This has resulted in a more positive and active frontage to the street elevations and greater variety to the roof form.
- 16.24 The building at the junction of Capon and Annan Road forms the main entrance / reception to the site. To aid way finding, this building adopts a unique palette of materials and has a distinct character. Accents of copper

cladding are used at key locations (on projecting canopies and signage) to highlight the entrance and focal point for the development. This is a particularly prominent and important section of the development and the treatment is considered to be successful.

16.25 Although, the Urban design acknowledges the improvement of the scheme there has been an objection received on design grounds. However, the Urban Designer has noted that in their opinion there are good aspects of the scheme including:

- The car-free approach supported by remote parking, enables a safe, tranquil and gardened external environment including some promising internal amenity spaces;
- The layout provides some interesting building footprints and spaces, whilst still relating to adjoining straight streets;
- Buildings have a good legible sense of hierarchy and structure focussed on defined communal areas, and aided by geometry and symmetry;
- Building designs are ordered;
- There has been some attempt to break down the massing into smaller design elements; and
- There is some good quality detailing and fenestration, e.g. deep reveals (albeit to be clarified on plans), rusticated brickwork and some full height openings to priority communal areas.

16.26 The layout, scale and massing of the proposals were established and agreed at the pre-application stage and are considered to be acceptable. The design has been significantly amended and negotiation thought out the planning process, although the Urban Designer has retained some reservation and objects to the scheme. It is considered that the scheme will create a visually attractive, high-quality scheme that positively responds to the site and which will enhance the character and quality of the university campus. It is considered that the proposed is considered to be acceptable in design terms, there is a clear architectural approach, suitable use of materials, the scale, form, height and massing is also considered to be acceptable therefore it is considered to comply with policies DP1 and UR2.

Impact on the Surrounding Area

16.27 Policy UR2 of the Core Strategy and Development Policies DP1 and DP13 state that any development must respect existing residential amenity with regards to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight.

16.28 The site is in close proximity to the existing student accommodation at Meadows Phase 1 which is 21m metres away from Block A of the proposed scheme. The two developments are separated by Annan Road one of the university estate roads and a landscaping belt. It is considered that as the

proposed scheme is also student accommodation that there would be no adverse impacts on the amenity of the residents of the Meadows Phase 1 development in terms of security, noise, disturbance, pollution and privacy. Due to the orientation of the blocks there will also be no impact to the daylight and sunlight levels of the existing development.

- 16.29 The nearest large residential receptors are at dwellings Triumph Close/Mascot Square, sitting at 78m from the application site boundary. Salary Brook provides a physical boundary between the two areas. Due to the distances involved the proposal is not considered to have a detrimental impact upon residential amenity. The proposed is therefore considered to be acceptable.
- 16.30 There are also two houses at 57 and 59 Elmstead Road, to the north east and sit at 33m to the nearest part of the proposed development. There have been objections received from residents of one of the dwellings expressing concerns.
- 16.31 The dwelling 57 Elmstead Road lies 22m to the north of the site (boundary to boundary). The nearest part of Block B is about 33m from the rear elevation of the property; block B is a four storey block.
- 16.32 The adopted Master Plan that was approved as part of the original outline planning permission for the Knowledge Gateway in 2006 comprised of a housing schemes which included flats along the northern boundary, the proposed flats were to be 3 storeys units. It is therefore considered that although this outline planning permission was not implemented that the principle of flatted residential units of similar heights to the north of the site near the existing residential development is acceptable. It is considered that the additional storey and the use as student accommodation is not sufficiently materially different.
- 16.33 The Essex Design guide states that upper-storey flats can cause problems due to overlooking from living rooms. Any rear-facing upper-storey living room should therefore be no closer than 35m from the rear of any other dwelling. Block B is 33m from 57 Elmstead road at the closest point however due to the location of the communal living spaces in the block the windows serving these living areas are a greater distance away and at a more oblique angle in relation to the dwellings on Elmstead Road. It is therefore considered that the proposed meets the tests for assessing this issue.
- 16.34 New development should mitigate impacts on daylight and sunlight. The Essex Design Guide states that adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2m above floor-level at the facade. In support of the application a section showing the relationship of Block B and 57 Elmstead Road has been provided. This demonstrated that an unobstructed 25° angle from a point 2m above floor-level at the facade is achieved. Therefore, it is considered that there will be no adverse impact to the rear elevation of the dwelling with regards to daylight and sunlight.

- 16.35 An LVIA has been submitted by the objecting neighbor, however it is not clear which viewpoints have been used to assess the proposed or whether the assessment has been made by a competent person. It is considered that there will be views of the development however there is not right to a view. The site is remote enough from the proposed site that it is considered although the development will be visible it will not be overbearing. A number of other concerns have been raised these have been assessed and commented on in section 10 of this report.
- 16.36 It is considered that the proposed is therefore acceptable with regards to impact on neighbouring amenity and the surrounding area. The proposed development therefore accords with Policies DP1, DP11 and DP12 and the NPPF.

Archaeology

- 16.37 The proposed development will be situated within the setting of, and in close proximity to a group of prehistoric burial mounds (barrows). Historic England has recommended to the secretary of State that the barrows be designated as a scheduled ancient monument due to their national importance. The buried remains of Bronze Age barrow cemeteries are widespread, however, the additional survival of their extant earthwork mound is less so, and such these earthworks are particularly rare, especially in the East of England.
- 16.38 The barrow cemetery north of Annan road comprises of four barrows. The northernmost barrow sits within the proposed development area, while the others are within the Universities wider landownership situated between the site and the railway line.
- 16.39 At time of writing this committee report the barrows have not yet been designated as a Scheduled Ancient Monument.
- 16.40 The National Planning Policy Framework (NPPF) 2018 as amended states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 16.41 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 16.42 Historic England had engaged in pre-application discussion with the application which has influenced the form of the development and the treatment of the heritage assets so as to meet the aims and objectives of the NPPF in respect of the historic environment.
- 16.43 It is considered that the setting of the of Barrows has already been eroded by the changes to the topography, the development of the railway and the university campus. The immediate setting of the barrows is one of open grassland, unencumbered by built features or hard landscaping. Within the context of the proposed development, the introduction of the new buildings would impact on the current opening setting of the barrow cemetery. It is considered that there will be a degree of harm to their significance.
- 16.44 However, the location of the buildings has been amended following discussions with Historic England. The landscape master plan submitted shows that the barrow within the site and the three outside of the site but still within the University's ownership will be managed. An Environmental Management Plan was submitted and approved when the site was raised out of the fluvial floodplain and the roads and services were put in for the Knowledge Gateway. It provides that the whole of the Salary Brook Valley (within the University's ownership) is to be managed as a 'hay marsh'. The management regime it would appear to be in accordance with Historic England's requirements. It is considered to be an appropriate management. A condition to provide a landscape management plan is also recommended which will ensure that the barrows are correctly managed.
- 16.45 The provision of an information/interpretation panel relating to the presentation of the archaeological remains will be secured by a S106 agreement, allowing greater appreciation of the importance of the site. It is therefore considered that the landscaping and education would provide a modest heritage benefit.
- 16.46 It is considered that the harm to the to the heritage asset is less than substantial and the public benefits of the development are significant. The development of the student accommodation is a key factoring is the university achieving the projected growth to 2025. The university is a significant key economic stakeholder within Colchester Borough. There is also a social and welfare benefit of the proposal as it will allow the university to accommodate all first years and other prioritised groups on campus this in turn also reduces the pressure on the private rental sector.

- 16.47 On balance it is considered that the public benefits of providing the student accommodation outweighs the less than substantial harm to the heritage asset. It is also considered that the heritage asset will be modestly benefited by the landscape management and the interpretation panel. Therefore, it is considered that the proposed is in line with the aims and objectives of the NPPF and is acceptable.
- 16.48 The rest of the site has also been subject to phases of archaeology investigation, other archaeological remains other than the barrows were of post-medieval date and of low significance. Archaeological trench investigations were requested by the local authority's Archaeological Officer. This work has demonstrated that no material harm will be caused to the significance of below-ground archaeological remains by the proposed development.

Flood Risk and Sustainable Drainage

- 16.49 The NPPF seeks to direct development to flood zones 1, stating that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 16.50 The Council's Development Policy DP20 (Flood Risk and Management of Surface Water Drainage) states that development will only be supported where it can be demonstrated that the proposal meets requirements in PPS25 (Development and Flood Risk), recommendations in Colchester's Strategic Flood Risk Assessment, and includes satisfactory flood defence measures or flood mitigation measures such as Sustainable Drainage Systems (SuDS) to minimise the risk of increased flooding both within the development boundary and off site in Flood Zones 2 and 3. Proposals that include measures to enhance the flood resilience of new or renovated buildings will be encouraged. The policy goes on to state that all development proposals shall incorporate measures for the conservation and sustainable use of water. These measures shall include appropriate SuDS for managing surface water runoff within the overall design and layout of the site and measures to conserve water within individual building designs. The use of SuDS will be particularly important as part of green field developments to manage surface water run-off rates, and in areas close to underground aquifers and landfill sites to reduce the risk of pollution.
- 16.51 The site is located in Flood Zones 2 and 3a. In 2010/211 the site was raised out the flood plan of the Salary Brook as part of enabling infrastructure works; application reference 091662. The ground level was raised by approximately 1.1m. The ground levels of the site are now above the fluvial 1% AEP plus climate change flood level.
- 16.52 *Note: Annual Exceedance Probability. (AEP) is the likelihood of occurrence of a **flood** of given size or larger occurring in any one year. AEP is*

*expressed as a percentage (%). 1% AEP means a large flood which may be calculated to have a 1% **chance** to occur in any **one** year.*

- 16.53 Across the Knowledge Gateway flood risk matters, were covered in detailed Flood Risk Assessments submitted with application 05/2046 and the reserved matters applications for the 2010 / 2011 infrastructure works. These studies fully addressed both the risks of on-site flooding (limited to the western part the Gateway nearest the railway line) and the potential for the development to increase the risk of flooding elsewhere and compensatory flood storage has been constructed as part of the enabling works to ensure that the land raising did not increase flood risk elsewhere.
- 16.54 The latest Flood Risk for Planning Map, still shows that the site lies within Flood Zone 3 this is because, although the site has been raised out of the fluvial flood plain, the site as with much of the Hythe area it still lies within the tidal flood plain (adjusted for climate change), but is protected by the Colne barrier and other flood defences.
- 16.55 Policy SA EC2 states that in and around areas of flooding (Flood Zone 2&3) uses should be organised according to risk, to provide good flood risk management, to create a greater flexibility for adaptation over time, and to respond to changing conditions. Less vulnerable, more vulnerable, essential infrastructure and water compatible uses could be accommodated within these flood zones.
- 16.56 The site is located upstream of the Colne Barrier and the site is unaffected by tidal flooding under the defended scenario. As the site is currently protected by flood defenses and the Colne Barrier which is above the future 0.5% (1 in 200) annual probability flood level. Therefore, the site is not at risk of flooding in this event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line Shoreline Management Plan/ Catchment Flood Management Plan policy is followed.
- 16.57 However, this is dependent on future funding therefore there is a level of uncertainty over the future flood defences due to the need to obtain funds necessary to enable the defences to be raised in line with climate change.
- 16.58 A Flood Risk Assessment was submitted with the application and the Environment Agency have confirmed, following consultation, that they have no objection to the proposal provided that the LPA is satisfied that the development would be safe for its lifetime, that they assess the acceptability of the issues within its remit.
- 16.59 As the site is located in Flood Zones 2 and 3a and the under NPPF the development is classified as “more vulnerable” therefore a Sequential and Exception Test is required these tests where completed as part of the Flood Risk Assessment.

- 16.60 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for development in areas at a lower risk of flooding. The sequential test is a general approach designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. The National Planning Practice Guide states that, for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The guide goes on to state that, when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.
- 16.61 There is not a great deal of alternative sites within these areas, as many have already been developed, or have current planning permissions for development. The application site was approved for development in an outline permission, initially dwellinghouses. Therefore, the Sequential Test has been deemed to have passed.
- 16.62 The Exception Test must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 16.63 The proposal forms part of the University of Essex expansion and therefore provides a community value, locating the students on the Colchester Campus also have a sustainability value. Therefore, it is deemed that the first step of the Exception Test is deemed to be passed.
- 16.64 Paragraph 60 of the NPPF Planning Practice Guidance states:
- Resistance and resilience measures are unlikely to be suitable as the only mitigation measure to manage flood risk, but they may be suitable in some circumstances, such as:*
- *water-compatible and less vulnerable uses where temporary disruption is acceptable*
 - *and an appropriate flood warning is provided;*
 - *in some instances where the use of an existing building is to be changed and it can be demonstrated that no other measure is practicable;*
 - *as a measure to manage residual flood risk.*

- 16.65 Flood Risk Assessment (FRA) set out a number of flood mitigations measures required in case the tidal defences fail these have been conditioned.
- 16.66 It is considered that the proposed mitigation measure are required to manage a residual flood risk. In this instance the FRA recommends a Water Entry Strategy which essentially permits the passage of floodwater through the buildings and prevents any displacement of floodwater during the event, flood resilience techniques are incorporated to reduce the consequences of flooding. It also recommends that the development is registered with the Environment Agency Flood Warnings Direct service and that a Business Flood Plan, and Flood Response Plan (where ground floor residents are moved to safe refuge on upper floors).
- 16.67 The NPPF paragraphs 59 and 60 advise that there should be no internal flooding in 'more vulnerable' developments. However, it is considered that the Water Entry Strategy has been justified in the submitted FRA and is in this instance a suitable strategy. Also, the site at this current time is also defend by existing flood defenses. On balance it is considered that with regards to flood risk the proposal is acceptable.
- 16.68 The Environment Agency also refer, in their consultation response, to The Reservoirs Act 1975, as amended in 2013, which requires the Environment Agency to designate large raised reservoirs as high-risk or not (High Risk being where in the event of an uncontrolled release of water human life could be endangered). The Abberton and Ardleigh reservoirs risks are still to be determined, but the proposed development is identified as being partially within the inundation extent of these reservoirs, which may have future implications for the risk designation, once it is assessed, due to the increased amount of downstream development.
- 16.69 On the basis that the Environment Agency has not provided any assessment of relative risk, it is considered that the reasonable way forward is to assess the proposal in accordance with Environment Agency advice, along with the Lead Local Flood Authority and Anglian Water comments. As the specific reservoir risk associated with proposals has not been identified it is not considered reasonable to refuse the application on the grounds of flood risk.
- 16.70 The infrastructure works applications included full details of Knowledge Gateway wide surface water drainage works (including a balancing pond that has been provided in the south-western corner of the Gateway).

- 16.71 The Drainage Assessment submitted with this application includes a surface water strategy, which, in part, utilises the existing Knowledge Gateway surface water network and attenuation pond. With infiltration not being a practical option, surface water will also be attenuated on site through the use of permeable surfaces and tanks under the three open spaces (around which the buildings are located).
- 16.72 Taking into account the comments of the Environment Agency, Anglian Water and the LLFA, as well as an assessment of other material matters concerning flood risk, it is concluded that the proposal is acceptable in terms of flood risk, subject to necessary conditions. The Assessment demonstrates that the proposal is acceptable.

Landscape and Trees

- 16.73 Core strategic policy ENV1 and development policy DP1 seek to ensure that new developments have an acceptable impact upon the landscape and the landscape character. Accordingly, a Landscape and Visual Impact Assessment was submitted in support of the application.
- 16.74 The site sits within the Colchester Borough Council 'Colne Drained Estuarine Marsh' Landscape Character Type, which generally follows the Colne river towards its estuary. The site sits within the northern end of this Character Type which, over recent years, has been extensively urbanised and no longer reflects the key characteristics of the remaining character type. The site and surrounding land now identify more clearly with the adjacent Colchester urban edge and the nearby Colchester Townscape. The character assessment, therefore, assessed the proposed development in the light of its surrounding context. The value of the landscape receptor to the wider landscape was assessed as low, the sensitivity of the landscape character receptor to change was also assessed as low and the magnitude of landscape effects was too assessed as low.
- 16.75 The proposed development was also assessed for its visual impact on a number of identified receptors agreed with the Landscape Officer. Each of the six visual receptors was identified as having a clear view of the proposed development site. The sensitivity of the visual receptors to change was been assessed as high for one viewpoint, moderate for one viewpoint and low for four viewpoints. The magnitude of impact was assessed as high for four viewpoints and assessed as low for two viewpoints. The high magnitude of impact for four of the viewpoints was due to very close proximity of these viewpoints to the proposed development.

- 16.76 Mitigation of the effects on the character and visual receptors has been addressed in different ways. With regards to the design, scale and form the proposed development is in keeping with the surrounding developments in that it is a residential student campus with similar massing to the adjacent student residential developments such as Meadows 1 and the Copse.
- 16.77 The proposed development will be fully landscaped including 3 courtyards. Various trees will be planted to reflect the parkland character across the wider university campus. In addition, a range of spring flowering trees and trees with strong winter interest will also be planted adjacent to both Annan Road and Capon Road to enhance the street scene.
- 16.78 The Landscape Visual Impact Assessment was evaluated by the Council's Landscape Adviser and was considered to be acceptable; conditions with regards to a Landscape Management Plan is recommended. It is considered that the proposed accords with policies ENV1 and DP1 in that the development respects the character of the site, its context and surroundings in terms of its landscape setting.
- 16.79 A full Arboricultural Report covering Arboricultural Impact Assessment, Arboricultural Method Statements and Tree Protection Measures was provided in support of the application. The Council's Tree Officer concluded that the proposal requires the loss of a small number of trees that are of low amenity value and that this loss is more than compensated by the proposed tree planting scheme. Therefore, the proposed complies with policy DP1 as it respects the landscape and other assets that contribute positively to the site and the surrounding area.

Highways, parking and sustainable transport

- 16.80 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 16.81 Core strategy Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Development Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 16.82 The submitted Construction Management Plan shows sufficient parking for those involved in constructing the development for each phase of

construction. No objections have been received from the Highways Authority with regards to highways safety.

- 16.83 A Transport Statement was submitted in support of the application. With regards to parking spaces provided there are 4 wheelchair accessible or adjustable rooms. Car parking will be limited to disabled residents' use, with one accessible car parking space for each wheelchair-accessible/adjustable rooms. Otherwise there will be no parking provided for student residents of the development, the proposed scheme is car free. The development is a C2 '*Residential Education Establishments*' the adopted car parking standards are maximum vehicle standards not minimum. 7 car parking spaces for staff associated with the Hub Building is also proposed and is incorporated into the landscape design. Staff will also be eligible to use all Campus car parks at staff discount rates. There are 3 large temporary car parks on the adjacent site (to east) which should be replaced by a multi-deck car park in about 5 years.
- 16.84 The University of Essex and Uliving will put in place a detailed Operational Management Strategy for student arrival and departures days. The busiest period is the beginning of each academic year, when most students are dropped off by their parents. As with the existing stock of University accommodation, the Operational Management Strategy will include:
- Staggered arrival days/times;
 - Prohibition of access by refuse collection, delivery and servicing vehicles during arrival and departure days;
 - Marshalls to direct cars;
 - University arranged coach pick-up from Stansted and Southend airports for overseas students.
 - The layout of the service area has been designed to assist the smooth arrival and departure of students.
- 16.85 The site also provides bike storage, promoting cycling as a sustainable means of transport complying with Policy DP17 enhancing accessibility to cycling. A total of 432 long-stay cycle parking spaces will be provided in a number of cycle stores across the site (i.e. within the red line boundary) and on campus, slightly over the minimum standard of one space per three rooms, in line with the Essex cycle parking standards.
- 16.86 It is considered that to mitigate the impact of the development there will need to be a financial contribution with regards to sustainability and transport. There have been a number of projects identified by the Transport and Sustainability team that would mitigate the proposed. It is considered that the contributions are required to make the development acceptable in planning terms, the contribution is directly related to the development and is fairly and reasonable related to the scale of the development. The contributions agreed are £200,000 towards identified projects to be apportioned as the Council sees fit. A new Travel plan will be brought forward in collaboration with the University and the Council and a minimum

of £200,000 will be spent to roll out the initiatives by 2025 in line with the universities planned growth period.

- 16.87 The contributions proposed for the projects will help mitigate this impact of an additional 1,262 students living on the Colchester Campus. It is anticipated that the residents at the Meadows 2 accommodation will wish to travel west of the development to visit friends in other accommodations, the retail areas at Hythe as well as Colchester town centre and other attractions. Students and their visitors will also wish to access Hythe Rail station and an improved walking and cycling environment will benefit them and encourage sustainable travel.
- 16.88 The University of Essex's Colchester Campus's current Travel Plan is for 2016-2020, it is proposed that the new travel plan will be for 2020 – 2029. The objectives of a Travel Plan is to develop a set of practical measures, travel initiatives and targets that can enable organisations to reduce the impact of travel on the environment. Measures suggested within a Travel Plan are intended to encourage travel by more sustainable modes of transport, including walking and cycling.
- 16.89 It is considered that with the contributions to be secured by a S106 agreement that the proposed development accords with national and local policies with regards to transport and highways and is deemed acceptable.

Student amenity and health

- 16.90 Development Policy DP2 provides that, *"all development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health"*.
- 16.91 The application documents include a Health Impact Check / Screening, which has been undertaken in accordance with the Essex Planning Officers Association Guidance Note – Health Impact Assessment. It concludes that the proposal will either have a positive, or neutral, impact upon the relevant determinants of health, the document demonstrates that the scheme is fully compliant with Policy DP2.
- 16.92 In addition to the new accommodation, the development will also provide ancillary administrative, community and service space. It will be operated by Uliving in conjunction with The Meadows, The Copse and The Quays, which presents the opportunity to create a social, community and administrative hub serving all four developments (with satellite facilities remaining at The Quays as it lies on the opposite side of the railway line).
- 16.93 The buildings will be set within landscape grounds and the layout incorporates open space which will encourage students to socialise and thus create a sense of community. A noise report recommends measures to mitigate impact from noise arising from the adjacent railway line.

- 16.94 The development will meet best practice Secure By Design Standards. The frontages either face each other or face an open space, increasing community surveillance. There will be CCTV coverage of the main external and internal areas and 24hr warden service on site. Essex Police is content that the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately.

NHS

- 16.95 The addition of 1,262 students to the Colchester Campus will result in additional pressure of the health and wellbeing services in the local area. As such the North East Essex Clinical Commissioning Group (CCG) sought a developer's contribution of £323,919. However, following meetings and conference calls the NHS decided that the best way to mitigate the impacts of the development was to engage with the University to work collaboratively in ensuring opportunities are taken to optimize potential solutions of healthcare provision to the students of the University rather than an upfront financial contribution. Therefore, the North East Essex CCG have withdrawn their contribution request.
- 16.96 A Memorandum of Understanding has been prepared and signed by relevant parties including University of Essex, North East Essex Health and Wellbeing Alliance and the North East Essex CCG. Colchester Borough Council are also to be a signatory should the planning application be approved. Though there are no obligations on the Council.
- 16.97 The Memorandum of Understanding see *appendix 1* sets out how the university and the health sector will commit the necessary resources to understand the NHS workforce challenges, to develop solutions at a local level through the training and education of appropriate skills, to collaborate to pursue technology platforms to access health services, to identify and secure the necessary physical property and funding to deliver primary health care services to students as well as to identify benefits that would arise for the wider community.
- 16.98 A joint Task and Finish Group has been established between all parties to agree a series of tasks and outcomes to be agreed in line within this Memorandum of Understanding. The first meeting is set to take place in January 2020.

Built Heritage

- 16.99 Salary Brook Farm House is a Grade II listed building, is situated across Elmstead Road, some 45 metres from the northeast corner of the site. As discussed by the submitted Heritage Assessment, the wider setting of the 18th c. farmhouse has been altered already by existing development and is expected to be affected further in the future as the land around the listed building is allocated to further development for educational, commercial and residential use. Taking into account this context, the impact of the scheme on the setting of the farmhouse is classified as less-than substantial,

according to the NPPF's definitions. As the project is linked to the University's expansion which is associated to strategic benefits for the growth and economy of the Borough, this less-than -substantial harm is considered sufficiently outweighed by the expected public benefits satisfying the requirements set by NPPF's Par. 196.

- 16.100 Wivenhoe Park, which is a protected park and garden, lies some 500m to the east of the site. The impact on the Wivenhoe Park (Grade II Registered Park, List UID 1000371) is of lesser concern as there is greater distance between the application site and the registered park, while existing and planned development in between will serve to limit or screen entirely the views of the proposed buildings from the designated park. It is therefore concluded that the development will not have any impact upon its setting.
- 16.101 The application has demonstrated that the proposal is compliant with National Policy as well as Local Plan Policies UR2, ENV1 and DP14 which seek to protect the historic environment across the Borough.

Ecology and RAMS

- 16.102 Policies ENV1 and DP21 seek to preserve the Borough's natural environment, including its river corridors; protect its species and habitats; and enhance biodiversity.
- 16.103 The site was raised out of the flood plain in 2010-2011 and has since self-seeded. It comprises mown grassland, with no discernible landscape or ecological features, save for a line of semi-mature trees that were planted, along the Annan Road boundary, as part of the strategic landscape works.
- 16.104 In support of the application a Preliminary Ecological Appraisal was submitted, which concluded that the site is of little ecological value and does not support any protected species or habitats. The valley of the adjacent Salary Brook is, however, identified as being of some ecological interest but, subject to appropriate mitigation measures (such as the use of low impact lighting along the western boundary of the development), it concludes that the scheme will have minimal impact upon that area. There is, therefore, no conflict with the requirements of Policies ENV1 and DP21.
- 16.105 The site lies within the 'zone of influence' of the Special Protection Areas and Special Areas of Conservation and therefore there is a need to adhere to the terms of the Emerging Essex Recreational Avoidance Mitigation Strategy. Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site. Accordingly, a Habitat Regulations Assessment has been under taken and relevant mitigation identified.

- 16.106 Habitat Sites are protected at the highest level and are of international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives are transposed into UK law. In Colchester we have the Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC). The three SPAs are also Ramsar sites, which are wetlands of international importance. The Essex Estuaries SAC includes the Colne and Blackwater estuaries. Due to the close proximity of the River Stour, the southern shore of the Stour and Orwell Estuaries Special Protection Area (SPA) is also likely to be affected by development in Colchester.
- 16.107 Population growth in Essex is likely to significantly affect Habitat Sites through increased recreational disturbance in-combination with other Local Plans. Consequently, in partnership with Natural England, the Government's advisor on the natural environment, and other LPAs in Essex, Colchester Borough Council is preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. The RAMS identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance in-combination with other plans and projects. The whole of Colchester Borough is within the Zone of Influence. All residential proposals within the borough should make a contribution towards the measures in the RAMS to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected, and the proposal complies with the Habitat Regulations.
- 16.108 Therefore, an Appropriate Assessment was required to be undertaken to secure mitigation measures necessary to avoid adverse effects. The Appropriate Assessment identified a number of on-site and off-site mitigation measures.
- 16.109 On-site measures are designed to encourage students to use the local recreational facilities rather than seek out the wider coastal facilities:
- Car free campus
 - Pet free campus
 - Cross campus cycle routes with link to the wider cycle network
 - Secure cycle storage
 - Fully landscaped grounds, three large green spaces.
 - Ample seating and student recreational spaces and student facilities.
 - Preserving the proposed Scheduled Monument, incorporating four barrows into a quiet space within an ecological corridor. Public seating and information boards.
 - Across the wider campus there is access to Wivenhoe Park and various walks.

16.110 Off-site measures:

- A monetary contribution can be secured in line with Essex Coast RAMS Guidelines for proposals for student accommodation. It would not be appropriate to expect the RAMS tariff of £122.30 for each unit of student accommodation. This would not be a fair and proportionate contribution.
- 2.5 student accommodation units will be considered a unit of residential accommodation. It is considered that the level of impact from student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.
- Contribution: **£30,868.52**

16.111 It is considered that with on-site mitigation and the financial contribution that will be secured by S106 agreement that the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Natural England be consulted and agree with the Appropriate Assessment. Therefore, the proposed complies with regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Environmental and Carbon Implications

16.112 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.

16.113 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

16.114 The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application is considered to represent sustainable development in accordance with policy ER1.

Sustainable design and construction

16.115 Core policy ER1 'Energy, Resources, Waste, Water and Recycling' states that the Council's commitment to carbon reduction includes the promotion of efficient use of energy and resources, alongside waste minimisation and recycling. New developments will be encouraged to provide over 15% of energy demand through local renewable and low carbon technology (LCT) sources. Sustainable construction techniques will also need to be employed in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources, including the sustainable management of the Borough's water resources. Developments will be encouraged to achieve a minimum BREEAM rating of 'Very Good'.

- 16.116 The application includes a Planning Energy Statement which considers the development against the Borough Council's objectives as set out in Policies ER1. It demonstrates, among other matters, that 30% of energy will be generated through on site renewables, as opposed to a policy requirement of 15%.
- 16.117 The proposed energy strategy comprises the following elements; communal distribution of hot water, central generation of hot water using efficient air source heat pump technology and electric space heating within rooms.
- 16.118 As the grid is decarbonised the sustainability credentials of this technology will continue to improve. An air source heat pump is classified as a low and zero carbon technology. Heat is extracted from the air to heat the building and the hot water. The hot water generation plant rooms are located on the roof of each core. A louvers enclosure containing the air-source heat pumps and a room containing the hot water storage cylinders, circulation pump and ancillary equipment. These plant removes have been location in a way that they are integral to the design of the development.
- 16.119 High thermal fabric performance targets have been set to reduce heat loss and therefore minimise heating requirements. While largely dictated by site constraints, the building massing minimises the number of north-facing only apartments as much as possible. Combined with 3.2 meter floor to ceiling heights, generous glazing areas and lack of internal partitioning, daylight to apartments has been optimised. This reduces the reliance on artificial lighting, and therefore reduces energy consumption, but also is a critical factor in ensuring occupant health and well-being.
- 16.120 Energy efficient LED and fluorescent lighting shall be specified throughout with daylight and occupancy linked lighting controls to further reduce lighting associated energy consumption (and associated heat gains).
- 16.121 The pre-assessment BREEAM score that is targeted for the development at the Site is 62.85%, which is equivalent to a BREEAM rating of 'Very Good'.
- 16.122 To minimise the environmental impact of construction materials, and maximise the potential for responsible sourcing, a Sustainable Procurement Plan shall be developed.
- 16.123 In addition to the future-proofed energy strategy previously discussed a Climate Change Risk Assessment shall be undertaken. This will examine the most likely hazards to arise from Climate Change, estimate their proposed risk to project and identify potential mitigation measures that can be implemented.
- 16.124 The report also sets out Water and Material and Waste strategies and confirms that, as required by Council policy, the scheme should achieve a minimum BREEAM 'Very Good' rating.

Other Matters

- 16.125 The application is supported by a Phase 1 & 2 Geo-Environmental Assessment which assesses available records and the results of onsite investigations. It identifies some isolated incidence of potential ground contamination and puts forward a preliminary remediation strategy.
- 16.126 The Council's Contaminated Land Officer concludes that the Phase 1 & 2 Geo-Environmental Assessment is an acceptable report for Environmental Protection's purposes (note that the geotechnical aspects of this report have not been assessed). As a result of a desk study and intrusive investigation, it is stated that: soils on site are generally considered to be chemically suitable for re-use, however, an area of asbestos cement contamination was identified; groundwater monitoring results do not show any significant source of potential contamination; gas monitoring has been undertaken on four occasions with some elevated levels of ground gas encountered at one location (MBH5); imported soils will be required for landscaped areas.
- 16.127 Based on the information provided, the recommendations in the assessment would appear reasonable and it would appear that the site could be made suitable for the proposed use, with these matters dealt with by way of planning condition.
- 16.128 Refuse and recycling – there are to be 13 general waste and 8 dry mixed recycling bins, 4 glass recycling and 2 paper recycling bins. The bins will be separated into two stores. The bin stores have been located to be convenient yet as concealed as possible from the pedestrian routes and social spaces. The provision of refuse and recycling is considered to be acceptable and complies with policy DP1.

17.0 Conclusion

- 17.1 To summarise, construction of five buildings to provide accommodation for 1262 students. The development will support the Universities expansion and provide economic, social and environmental benefits for the borough. Colchester. The proposed is considered to be sustainable development and is an optimal use of the site.
- 17.2 The proposal complies with local development framework policies and national policy. The scheme is considered to be acceptable with regards to the design, impact to the surroundings, archaeology, flood risk, landscaping, highways, parking, student amenity, health services, built heritage, ecology and sustainability.
- 17.3 In conclusion, it is considered that the proposal presents significant benefits and that the objections raised have been sufficiently addressed. Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions provided below.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

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

ZAA - Condition 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.

ZAM - Condition 2 – Approved documents

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings and Documents:

EXISTING SITE LAYOUT- M2B2C-WIA-XT-XX-GA-A-000102-P02 indexed 15 August 2019

PROPOSED SITE LAYOUT- M2B2C-WIA-XT-XX-GA-A-00000-P09 indexed 18 November

PROPOSED BUILDING LEVELS- M2B2C-WIA-XT-XX-GA-A-000104-P06 indexed 18 November

ACCESSIBLE ROOMS AND PLANT ROOM LOCATIONS- M2B2C-WIA-XT-XX-GA-A- 000105-106 indexed 18 November

EXISTING SITE SECTIONS- M2B2C-WIA-ZZ-ZZ-SC-A-000110-P01 Indexed 15 August

PROPOSED SITE SECTIONS- M2B2C-WIA-ZZ-ZZ-SC-A-000120-P03 indexed 18 November

BLOCK A - GROUND, FIRST FLOOR 1/200 - M2B2C-WIA-BA-ZZ-GA-A-001200-P04 indexed 18 November

BLOCK A - SECOND, THIRD, ROOF FLOOR 1/200- M2B2C-WIA-BA-ZZ-GA-A-001201-P04 indexed 18 November

BLOCK B - GROUND, FIRST FLOOR 1/200- M2B2C-WIA-BB-ZZ-GA-A-001210-P04 indexed 18 November

BLOCK B - SECOND, THIRD, ROOF FLOOR 1/200- M2B2C-WIA-BB-ZZ-GA-A-001211-P03 indexed 18 November

BLOCK C - GROUND, FIRST, SECOND FLOORS 1/200 - M2B2C-WIA-BC-ZZ-GA-A-001220-P04 indexed 18 November

BLOCK C - THIRD, FOURTH, FIFTH, ROOF FLOORS 1/200- M2B2C-WIA-BC-ZZ-GA-A-001221-P03 indexed 18 November

BLOCK D - GROUND, FIRST, SECOND FLOOR- M2B2C-WIA-BD-ZZ-GA-A-001230-P05 indexed 18 November

BLOCK D - THIRD, FOURTH, ROOF FLOOR- M2B2C-WIA-BD-ZZ-GA-A-001230-P03 indexed 18 November

BLOCK E - GROUND, FIRST, SECOND FLOOR- M2B2C-WIA-BE-ZZ-GA-A-001240-P05 indexed 18 November

BLOCK E - THIRD, FOURTH, FIFTH, ROOF FLOOR- M2B2C-WIA-BE-ZZ-GA-A-001241-P03 indexed 18 November

BLOCK A - ELEVATIONS 1/200- M2B2C-WIA-BA-ZZ-EV-A-001300-P04 indexed 18 November

BLOCK B - ELEVATIONS 1/200- M2B2C-WIA-BB-ZZ-EV-A-001310-P04 indexed 18 November

BLOCK C - ELEVATIONS 1/200- M2B2C-WIA-BC-ZZ-EV-A-001320-P04 indexed 18 November

BLOCK D - ELEVATIONS 1/200- M2B2C-WIA-BD-ZZ-EV-A-001330-P05 indexed 18 November

BLOCK E - ELEVATIONS 1/200- M2B2C-WIA-BE-ZZ-EV-A-001340-P04 indexed 18 November

BLOCK A - SECTIONS- M2B2C-WIA-BA-ZZ-SC-A-000400-P07 indexed 18 November

BLOCK B - SECTIONS- M2B2C-WIA-BB-ZZ-SC-A-000410-P07 indexed 18 November

BLOCK C - SECTIONS- M2B2C-WIA-BC-ZZ-SC-A-000420-P07 indexed 18 November

BLOCK D - SECTIONS- M2B2C-WIA-BD-ZZ-SC-A-000430-P07 indexed 18 November

BLOCK E - SECTIONS- M2B2C-WIA-BE-ZZ-SC-A-000440-P07 indexed 18 November

ENSUITE BEDROOM - M2B2C-WIA-ZZ-ZZ-GA-A-003000-P03 indexed 15 August 2019

STANDARD BEDROOM- M2B2C-WIA-ZZ-ZZ-GA-A-003010-P03 indexed 15 August 2019

STUDIO BEDROOM- M2B2C-WIA-ZZ-ZZ-GA-A-003020-P03 indexed 15 August 2019

ACCESSIBLE BEDROOM- M2B2C-WIA-XT-XX-GA-A000105-P06 indexed 15 August 2019

ADJUSTABLE BEDROOM- M2B2C-WIA-ZZ-ZZ-GA-A-003055-P02 indexed 15 August 2019

ENSUITE BLOCK 12 PERSON KITCHEN- M2B2C-WIA-ZZ-ZZ-GA-A-003070-P02 indexed 15 August 2019

STANDARD BLOCK 12 PERSON KITCHEN- M2B2C-WIA-ZZ-ZZ-GA-A-003060-P03 Indexed 15 August 2019

ENSUITE BLOCK 10 PERSON KITCHEN- M2B2C-WIA-ZZ-ZZ-GA-A-003050-P03 Indexed 15 August 2019

BIN & BIKE STORES- M2B2C-WIA-ZZ-GF-GA-A-004000-P01 indexed 15 August 2019

Flood Risk Assessment and Drainage Study indexed 20 August 2019

Preliminary Ecological Appraisal M2B2C-OSP-XT-RP-L 020000 indexed 27 August 2019

Tree Protection Plan M2B2C-OSP-XT-GF-GA-L-220007-P02 indexed 18 November 2019

Arboricultural Report indexed-P03 18 November

Revised Construction Management Plan Rev.2 dated 04/11/19

Stage 1 Acoustic Report- M2B2C-COJ-ZZ-ZZ-RP-YA-000003-P01 indexed 15 August 2019

Landscape master plan M2B2C-OSP-XT-GF-GA-L-220001-P06 indexed 18 November

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

Condition 3 – Phasing

No works shall take place until a scheme including a plan for the carrying out of the development in two phases is submitted to, and approved in writing by, the Local Planning Authority. The scheme must not be carried except in strict accordance with the approved documents.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

Condition 4 – Biodiversity Management Plan

Prior to commencement of the development no works shall take place until ecological enhancements and mitigation are defined and identified in a Biodiversity Management Plan to be submitted to and approved in writing by, the Local Planning Authority. This shall include the provision of a lighting strategy for the land associated with Salary Brook to maintain this as a dark zone.

Reason: In order to safeguard protected wildlife species and their habitats and in the interest of ecological enhancements.

Condition 5 – No floodlighting

No floodlighting shall be constructed, installed or illuminated at any time unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution.

Condition 6 – Plant noise limits

Plant noise limits shall be adhered to as stated in section 6 of the Stage 1 Acoustic Report indexed 15 August 2019.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of residents.

Condition 7 – Contaminated Land Assessment

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.

Condition 8 – Contaminated land remediation plan

If the investigation and risk assessment approved under condition 7 identifies the need for remediation, 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

Condition 9 – Contaminated land remediation action

The approved remediation scheme must be carried out in accordance with the details approved under condition 8. 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.

Condition 10 - Contaminated land verification reporting

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 7, and where remediation is

necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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.

Condition 11 – Sustainable Drainage Part 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SuDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

Verification of the suitability of infiltration of surface water for the development.

This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

Limiting discharge rates to 10.1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.

Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event. Final modelling and calculations for

all areas of the drainage system. Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

Condition 12 – Sustainable drainage part 2

Prior to each phase of the development as per agreed details pursuant to condition 3 of this permission, no works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 13 – Sustainable drainage part 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system, the maintenance activities/frequencies and yearly logs of maintenance, 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.

Condition 14 – Water Entry Strategy

Prior to the commencement of the development a Water Entry Strategy shall be submitted to be agreed in writing, by the local planning authority. Ground supported floors are to require to have a damp-proof membrane. The agreed Water Entry Strategy is to be implemented and adhered to thereafter before occupation of each phase of the development.

Reason: Though the site benefits from defences the site is within Flood Zone 3 an area with high probability of flooding from tidal sources, these measures are to protect the safety of the occupants of the buildings during a flood event.

Condition 15 – Flood Management Plan

Prior to the occupation of each phase as per agreed details pursuant to condition 3 of this permission a Flood Management Plan shall be submitted to to be agreed in writing, by the local planning authority. Residents of each phase shall receive a copy of the Flood Management Plan on their arrival. Flood Plan notices shall be advertised within all of the buildings.

Reason: Though the site benefits from defences the site is within Flood Zone 3 an area with high probability of flooding from tidal sources, these measures are to protect the safety of the occupants of the buildings during a flood event.

Condition 16 – Design additional details

Prior to the commencement of any works, additional drawings that show details of, but not limited to, windows, doors, rusticated brickwork, reveals, eaves, rain water goods, parapet, cills, soffits, and joints between different materials, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

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

Condition 17 – BREEAM

Within 12 months of the occupation of the second phase of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

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

Condition 18 – Lighting PHASE 1

Prior to the first occupation of phase one of the development as per agreed details pursuant to condition 3 of this permission, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS; shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall

thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

Condition 19 – Lighting PHASE 2

Prior to the first occupation of phase two of the development as per agreed details pursuant to condition 3 of this permission, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS; shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

Condition 20 – Landscape Management Plan PHASE 1

Prior to the first occupation of phase one of the development as per agreed details pursuant to condition 3 of this permission, 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 that form part of

that phase 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.

Condition 21 – Landscape Management Plan PHASE 2

Prior to the first occupation of phase two of the development as per agreed details pursuant to condition 3 of this permission, a landscape management plan for the entire development including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens that form part of that phase 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.

Condition 22 – Landscaping PHASE 1

No groundworks shall take place for the development of phase one as per agreed details pursuant to condition 3 of this permission until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works for phase one shall be carried out prior to the occupation of phase one of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include where relevant:

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

Condition 23 – Landscaping PHASE 2

No groundworks shall take place for the development of phase two as per agreed details pursuant to condition 3 of this permission until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works for phase two shall be carried out prior to the occupation of phase two of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include where relevant:

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

Condition 24 – Sustainable Procurement Plan and Climate Change Risk Assessment PHASE 1

Prior to commencement of phase one of the development as per agreed details pursuant to condition 3 of this permission, a Sustainable Procurement Plan and Climate Change Risk Assessment shall be submitted to, and agreed in writing by the Local Planning Authority.

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

Condition 25 – Sustainable Procurement Plan and Climate Change Risk Assessment PHASE 2

Prior to commencement of phase two of the development as per agreed details pursuant to condition 3 of this permission, a Sustainable Procurement Plan and Climate Change Risk Assessment shall be submitted to, and agreed in writing by the Local Planning Authority.

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

Condition 26 – Refuse and recycling storage PHASE 1

Prior to the first occupation of phase one of the development as per agreed details pursuant to condition 3 of this permission, the refuse and recycling storage facilities as set out in the approved Phasing Scheme, shall have been provided and made available to serve phase one of the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times until phase two has been fully constructed.

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

Condition 27 – Refuse and recycling storage PHASE 2

Prior to the first occupation of phase two of the development as per agreed details pursuant to condition 3 of this permission, the refuse and recycling storage facilities as shown on the approved plans as per condition 2 shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

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

Condition 28 – Construction Method Statement PHASE 1

No works shall take place with respect to phase one of the development as per agreed details pursuant to condition 3 of this permission, including any demolition, until a construction Method Statement has been submitted to and approved, in writing, for phase one of the development by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of that phase and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- 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;
- wheel washing facilities;
- measures to control the emission of 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.

Condition 29 – Construction Method Statement PHASE 2

No works shall take place with respect to phase two of the development as per agreed details pursuant to condition 3 of this permission, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, for that phase by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of phase two and shall provide details for:

the parking of vehicles of site operatives and visitors;
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;
wheel washing facilities;
measures to control the emission of 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.

Condition 30 – PTW and Cycle parking PHASE 1

Prior to the first occupation of phase one of the development as per agreed details pursuant to condition 3 of this permission, the POWERED TWO WHEELER/CYCLE PARKING facilities within phase one as set out in the approved Phasing Scheme, are to be provided and shall thereafter be retained as such at all times.

Reason: To ensure appropriate POWERED TWO WHEELER/CYCLE PARKING is provided.

Condition 31 – PTW and Cycle parking PHASE 2

Prior to the first occupation of phase two of the development, the POWERED TWO WHEELER/CYCLE PARKING facilities as shown on the approved plans as per condition 2, are to be provided and shall thereafter be retained as such at all times.

Reason: To ensure appropriate POWERED TWO WHEELER/CYCLE PARKING is provided.

Condition 32 – Litter PHASE 1

Prior to the first occupation of the phase one of the development as per agreed details pursuant to condition 3 of this permission, equipment, facilities and other

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

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

Condition 33 – Litter PHASE 2

Prior to the first occupation of the phase two of the development as per agreed details pursuant to condition 3 of this permission, equipment, facilities and other appropriate arrangements for the disposal and collection of litter resulting from the development shall be provided in accordance with details that shall have previously been submitted to, and agreed in writing by, the Local Planning Authority. Any such equipment, facilities and arrangements as shall have been agreed shall thereafter be retained and maintained in good order.

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

Condition 34 – Materials to be agreed PHASE 1

No external facing or roofing materials shall be used in the construction of phase one of the development as per agreed details pursuant to condition 3 of this permission 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.

Condition 35 – Materials to be agreed PHASE 2

No external facing or roofing materials shall be used in the construction of phase two of the development as per agreed details pursuant to condition 3 of this permission 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.

Informatives:

(1) Section 106 agreement

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.

(2) Demolition and construction note

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.

(3) Conditions stating prior to commencement

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either BEFORE you commence the development 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) The Barrows

Historic England have recommended the 'Barrows' to be scheduled as an Ancient Monument.

(5) Plant protection

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.

(6) Landscape

'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).'

(7) Memorandum of Understanding

There is a Memorandum of understanding relating to the provision of health care and wellbeing for the associated development.

(8) Sustainable Drainage Informative

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note. Law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian Landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this area of expertise.

We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

(9) Design informative 1

A 200mm minimum change in building line is needed to coincide with horizontal changes in material.

Reason: To suitably define changes in material as an integral rather than superficial design element.

Design informative 2

All downpipes should be in a suitably detailed recessed channel.

Reason: To ensure downpipes appear as a discreet integral part of the building design.

Design informative 3

All windows and doors should be inset at least 200mm.

Reason: Deep reveals are considered essential to the design style.

Design informative 4

High quality stock bricks (e.g. with handmade type qualities such as creasing) will be used which are consistent with the local context. For reference, bricks considered high quality and approved on the student accommodation scheme on Magdalen Street were Wienerberger Forum Smoked Branco and Wienerberger Bronsgroen.

Reason: High quality bricks are considered essential to the design style.

Appendix 1

Memorandum of Understanding between the following Parties:

University of Essex
NE Essex CCG
Members of the Rowhedge GP practice
Colchester Borough Council
North East Essex Health & Wellbeing Alliance

Background

The University of Essex seek to build on their success and to grow student numbers.

Colchester Borough Council are supportive as it supports sustainability and economic growth.

The University of Essex development plans include increased student accommodation to support the growth in student numbers.

North East Essex CCG objective is to ensure that the local population (typical and atypical) have access to the health care that they need.

The local GP practice is a key stakeholder and delivery partner.

The University of Essex have entered into an agreement with their chosen development partner Bouygues UK and Uliving to develop proposals for additional students.

A professional team has also been appointed. Planning consultants are JTS Partnership LLP.

A Planning Application Reference: 192090 has been submitted to Colchester Borough Council for new student accommodation.

Statutory consultees include Health and Wellbeing represented by North East Essex CCG.

Current position

At a recent meeting the statement of requirement under s106 by the NHS was discussed.

This statement proposed a developer's contribution of approx. £323,919.

This level of contribution was challenged by the developers however NHS representatives were able to articulate their reasoning.

Whereas it is open to the developers to challenge the requirement under s106 of the NHS, it is open to the NHS to continue to seek to justify the necessary contribution.

It is agreed that

There is a degree of alignment of interests

The university seek to attract students by, amongst other factors, providing reassurance about the safety of students through the provision of health and wellbeing services at their establishment.

The NHS is committed to facilitating Health and Wellbeing services including; primary care, community care and acute care to the local population.

There are a wide range of opportunities for the local population to benefit from increased and wide collaboration between the health and education sectors, with support from local government.

It is important to align the outcomes of this agreement through the emerging North East Essex Health and Wellbeing Alliance strategy and ensure members of the alliance part-take in all opportunities identified by all parties.

Therefore

It is agreed between the parties to this memorandum that:

- To utilise this as an opportunity to collaborate for the benefit of the local population, through co-operation at different levels.
- The university and the health sector will commit the necessary resources to create a smart understanding of the NHS workforce challenges and to develop solutions at a local level through the training and education of appropriate skills.
- The university and the health sector will collaborate in the technology space – recognising that access to health services will increasingly be across technological platforms in the future. The university and the health sector both recognise the opportunity to jointly develop technology solutions which address the primary health care needs of a growing student population.
- The University will also work with CCG to identify and secure the necessary physical property and environment, from which to deliver face to face primary health care services to students, which may be located on-campus but which could also be provided as part of an existing, or new, off-campus hub. The University will contribute towards capital funding, with funding for service provision predominantly coming from the revenue funding in the NHS
- North East Essex Health and Wellbeing Alliance will play an active role in working with partners identified in this agreement to enable the benefits that arise through partnership working improve the health and wellbeing of the wider community.
- Colchester Borough Council will perform its duty as Local Planning Authority to determine initiatives that require planning permission that may arise as a result of the memorandum of understanding.
- All parties agree that the beneficial outcomes of this will enable the NHS to withdraw the s106 claim submitted and to be confident in the parties to this

agreement to ensure that the population effectively receive a significantly larger benefit than would be achieved from the £323,919 contribution which is currently sought.

- All parties will agree a timeline for each element of the agreement through the task and finish group and will ensure a project plan and highlight report will be produced on a regular basis to reassure all parties of the progression of the agreement.

Resourcing

It is agreed that a joint Task and Finish Group be established between all parties including subject matter experts to agree a series of tasks and outcomes to be agreed in line within this Memorandum of Understanding. It is agreed that all parties will commit relevant resources to enable this agreement to be fulfilled within an agreed timescale. The Task and Finish Group will meet at a frequency to be determined in agreement with all parties and with clear leadership and named stakeholders to actively participate throughout the duration of the agreed named projects.

A agreed governance process with terms of reference to be agreed and approved by all parties including regular reporting of activities through the North East Essex Health and Wellbeing Alliance.

Funding

It is agreed that funding opportunities will be sought through NHS, the Education system and other local government sources to enable agreed outcomes to be effectively implemented and benefits to both students of the University of Essex and the local population realised through this agreement.

Signatures

University of Essex:

Name

Title:

Position:

North East Essex Clinical Commissioning Group:

Name

Title:

Position:

Rowhedge GP practice:

Name

Title:

Position:

Colchester Borough Council:

Name

Title:

Position:

North East Essex Health and Wellbeing Alliance

Name

Title:

Position:

Appendix 2

Application 192090 University of Essex - Meadows 3 Draft Heads of Terms

Contributions

Archaeology – £2,400 to be paid prior to the commencement of the development and to be used to secure interpretive display boards relating to the barrow mounds which lie within, and adjacent to, the southwest corner of the site.

RAMS - £30,868.52 to be paid prior to the commencement of development and to be used for off-site habitat mitigation.

Sustainable Transport – £200,000 to be paid prior to the commencement of development and to be used towards sustainable transport measures / initiatives, which will improve links between the Campus / Knowledge Gateway and the Hythe / East Colchester area and / or the town centre.

Any contributions not used by the Borough Council, for the purposes for which they are collected, within 3 / 5 years of the date of payment, shall be returned to the University.

Other Provisions

The Agreement is also to include commitments by the University to: -

1. Comprehensively review the existing Campus Travel Plan, to cover the period up to 2029 and to either:
 - cover both the Campus and the Knowledge Gateway, together with all planned developments therein; or to
 - provide separate Travel Plans for the Campus and the Knowledge Gateway, to cover all planned developments therein.
2. Prepare and submit a revised draft Travel Plan(s) to the Borough Council by 31st December 2020 and to implement the Plans(s) prior to the first occupation of Phase 1 of the development (anticipated in October 2021).
3. Share with the Borough Council the University's emerging Campus Signage and Wayfinding Plan and Transport Feasibility Study.
4. Spend a minimum of £200,000, by October 2025, on sustainable transport measures / initiatives on the Campus / Knowledge Gateway.
5. Work & cooperate with the Borough Council on the production of the new Travel Plan and sustainable transport strategies.

Material Planning Considerations

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

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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

Planning Obligations

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

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

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

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



Colchester Borough Council Development Management

Highway Safety Issues

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

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

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office)

which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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

Supreme Court Decision 16 October 2017

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

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

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

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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

