

Planning Committee Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Thursday, 17 March 2016 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. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable 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, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at www.colchester.gov.uk

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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, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

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telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call
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www.colchester.gov.uk

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

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.



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 17 March 2016 at 18:00

Member:

Councillor Jon Manning
Councillor Jessica Scott-Boutell
Councillor Peter Chillingworth
Councillor Helen Chuah
Councillor Jo Hayes
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Mike Lilley
Councillor Jackie Maclean
Councillor Patricia Moore
Councillor Philip Oxford
Councillor Rosalind Scott

Chairman
Deputy Chairman

Substitutes:

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

Councillors Christopher Arnold, Lyn Barton, Tina Bourne, Roger Buston, Nigel Chapman, Barrie Cook, Nick Cope, Robert Davidson, Beverly Davies, John Elliott, Annie Feltham, Bill Frame, Ray Gamble, Martin Goss, Dominic Graham, Annesley Hardy, Marcus Harrington, Dave Harris, Julia Havis, Peter Higgins, Theresa Higgins, Darius Laws, Cyril Liddy, Sue Lissimore, Ben Locker, Fiona Maclean, Kim Naish, Nigel Offen, Gerard Oxford, Chris Pearson, Peter Sheane, Paul Smith, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A

(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 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

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

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

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

3 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

5 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is

being held unless he/she has received a dispensation from the Monitoring Officer.

- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6.1 Minutes of 4 February 2016 19 - 30

To confirm as a correct record the minutes of the meeting held on 4 February 2016

6.2 Minutes of 18 February 2016 31 - 36

To confirm as a correct record the minutes of the meeting held on 18 February 2016

6.3 Minutes of 3 March 2016 37 - 40

To confirm as a correct record the minutes of the meeting held on 3 March 2016

7 Planning Applications

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

7.1 152826 Land to east of Warren Lane and west of Dyers Road, Stanway 41 - 60

Full planning permission for the development of the site for 93 dwellings, public open space, landscaping, access and car parking

7.2 160224 Colchester Sports and Social Club, Bromley Road, Colchester 61 - 84

Erection of twelve dwelling houses with associated parking and improvements to existing access

7.3 152733 Severalls Hospital, Boxted Road, Colchester 85 - 124

Application for approval of reserved matters following outline approval 151401 for erection of 730 new build residential dwellings, open space, landscaping, parking, access and associated infrastructure

- 7.4 **152794 Severalls Hospital, Boxted Road, Colchester**
Full planning permission for highways improvements to facilitate the re-development of the Former Severalls Hospital (see report at 7.3 above)
- 7.5 **160103 Former Bus Depot, Magdalen Street, Colchester** 125 - 168
Demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across five blocks of one, two, three and four storeys to provide 230 bed spaces (61 cluster flats and 16 studio flats), communal facilities (to include bin stores, cycle stores, site management office, gym and communal amenity areas) as well as undercroft car park (20 car parking spaces), landscaping and a new public pathway through the site
- 7.6 **151886 Land adjacent North and South of Grange Road, Tiptree** 169 - 184
Reserved matters application following outline approval (122134) for the approval of appearance, landscaping, layout and scale for 103 residential units with associated landscape and highway works, along with provision of public open space (including a new village green and allotments) and other ancillary infrastructure and works including drainage provision
- 7.7 **150702 Homecroft, Chapel Lane, West Bergholt** 185 - 198
Proposed formation of a private drive erection of three detached bungalows, extensions and alterations to an existing bungalow, erection of garages and provision of associated parking facilities
- 7.8 **152755 Winsley's House, High Street, Colchester** 199 - 206
Proposed timber framed and timber shiplap clad mobile scooter enclosure
- 7.9 **160023 185 Butt Road, Colchester** 207 - 212
Erection of single storey rear extension to provide family room, wc and boot room and erection of 1½ storey single garage to side of existing dwelling (on footprint of pre-existing garage) with home office in attic storey
- 7.10 **160211 7 Wesley Avenue, Colchester** 213 - 218
Single storey front extension
- 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, 04 February 2016

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Helen Chuah (Member), Councillor Jo Hayes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jackie Maclean (Member), Councillor Jon Manning (Chairman), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson)

Substitutes: Councillor Gerard Oxford (for Councillor Philip Oxford), Councillor Nick Cope (for Councillor Jessica Scott-Boutell)

268 Site Visits

Councillors Chillingworth, Chuah, Cope, Hazell, Jarvis, Maclean, Manning, Moore, G. Oxford and Scott attended the site visits.

269 Minutes of 17 December 2015

The minutes of the meeting held on 17 December 2015 were confirmed as a correct record, subject to Minute No 252 being amended by means of the insertion of the word 'if' before the words: 'planning permission was granted' in the last sentence before the resolution.

270 152120 Land adjacent to Chapel Road, Tiptree,

The Committee considered an application for the erection of 39 residential units (Class C3) with associated parking, landscaping, open space and access at land adjacent to Chapel Road, Tiptree. The application had been referred to the Committee because it was a major application which had generated objections and a legal agreement was required.. The Committee had before it a report and an amendment sheet in which all the 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.

Sue Jackson, Principal Planning Officer, presented the report and, together with the Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Steve Bays, on behalf of Tiptree Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application.

He explained that the Parish Council had been involved in discussions throughout the progress of the application. He referred to the loss of a football pitch and the agreement to the provision of an alternative pitch by means of a Section 106 agreement. He was concerned about the density of the development which was greater than that in the surrounding area and, as such, did not fit well in the locality. He considered that the proposals should have been in accordance with typical development in Tiptree which provided for dwellings with front gardens. He was also concerned about parking problems for potential occupants with commercial vehicles, the affordable housing provision, the lack of visibility splay at the entrance to the development and the arrangements for the waste collections given the restricted access way through the development.

Simon Slatford addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the thorough negotiations which had taken place with Planning Officers to arrive at a layout and design for the development which was thought to be acceptable. The proposals had resulted in no objections from the technical consultees whilst other objections were disappointing as the applicant had worked very hard with the community to address any potential areas of concern.. He was of the view that concerns around density alone would not be sufficient for the application to be refused. He also confirmed the benefits of the scheme in relation to the public open space in addition to the new housing for the area.

Councillor Elliott attended and, with the consent of the Chairman, addressed the Committee. He was of the view that the scheme was a reasonably good one for the community but he was concerned regarding the arrangements for the collection of waste. He did not consider that the community were being compensated for the loss of a football pitch, rather that the previous level of pitch provision was being reinstated. He also referred to highway issues due to the congestion and amount of parking along Chapel Road and the volume of traffic in the area generally. He explained the fact that for many Tiptree households car ownership was essential in order to travel to places of work and he was therefore of the view that the proposed parking provision was likely to be inadequate for the potential amount of car ownership. He also referred to the entrance to the development and the lack of sight splay which he considered to be inadequate for the location.

Members of the Committee referred to the very busy nature of Chapel Road and voiced concerns about the access proposals for the scheme. Clarification was sought regarding the open space provision within the site as well as the arrangement proposed for alternative open space provision for the use of the community and also regarding the adequacy of the road network on the development.

One member of the Committee was of the view that the access road to the development would be preferable from the north side via Morley Road which would also provide a

shorter more convenient pedestrian route for the development.

A number of Committee members were of the view that the road layout and parking provision, whilst acceptable in relation to the Council's adopted standards, did not address the likelihood of residents with multiple vehicles opting to park on the access road which would lead to access issues generally as well as specifically in relation to refuse collections and the egress of visitors and commercial vehicles generally. Reference was also made to the height and size of garages and the size of parking spaces which did not take account of ownership of larger vehicle such as for commercial or disability purposes and the fact that the parking space provision included garage spaces which were likely to be used as storage areas rather than for parking.

The Principal Planning Officer explained that the access road serving the development would be built to adoptable standards but there were no proposals for the road to be adopted by the Highway Authority rather it would be the subject of control by a Management Company which would be required to address any future problems restricting access and egress. She confirmed that the density equated to 35 dwellings per hectare which was currently considered to be relatively low and that the parking provision satisfied the Council's standards which were applicable across the Borough with no differentiation in terms of quantity, height or dimension according to individual location. The Affordable Housing element of the proposal included both two and three bedroom units whilst the road layout provided for sufficient width and a turning circle to accommodate a Refuse Freighter as well as 15 visitor parking spaces. The concerns regarding the lack of sight splay had been referred for further consideration by the Highway Authority who had reiterated their view that there were no highway grounds to refuse the application. The access proposals provided sufficient width for two vehicles to enter and exit the site whilst giving pedestrians priority. She went on to explain that the application had been vacated by Tiptree United Football Club when it merged with Maldon Football Club. There was no specific requirement for an alternative pitch to be provided and, as such, there was no restriction on an application for residential development to be applied for. The proposed Section 106 Agreement included a financial contribution for Borough wide recreational open space provision. It was confirmed that the land to the north of the application site was in private ownership and, as such, was not in the control of the applicant.

The Major Development and Projects Manager explained that, as the proposals were in accordance with the Council's adopted parking standards and no objection had been raised by the Highway Authority, there was no technical evidence on which to base a refusal of the application. In addition, although the designs were not typical of the area and included idiosyncratic elements, there was no impact on the street scene and, as such, were considered to be reasonable for the development. He went on to explain that the applicant had demonstrated the safety of the road network and that it was possible to service the development for the collection of refuse. It was also not possible to seek parking provision in excess of the Council's adopted standards, whilst the likely propensity of residents to use the access road for parking purposes was a matter which

would have to be left to the Management Company to resolve with the residents.

RESOLVED (SIX voted FOR, FIVE voted AGAINST and ONE ABSTAINED) that –

(i) The planning application be approved 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, in the event that the legal agreement is not signed within six months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- 20% affordable housing
- Community facilities contribution £51,000 towards the refurbishment of St. Luke's Community Hall in Tiptree.
- Open Space, Sport and Recreation contribution £201,000.
- A Private Management Company to maintain the open space and other communal areas within the site
- Transfer of land in Colchester Road to Tiptree Parish Council at no cost for recreational sport use

and on completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report

(ii) The Head of Commercial Services be requested to ask Essex County Council to include consideration of flexibility to accommodate the ownership of different types and size of vehicles such as for commercial uses and for people with disabilities within the forthcoming parking standards review.

271 143715 B & Q Warehouse, Lightship Way, Colchester

Councillor G. Oxford (in respect of his membership of the Local Plan Committee) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the use of premises as a retail (convenience and comparison goods) superstore with external alterations; installation of a GOL facility, colleague area; two concessions and domestic area at ground level and a café at mezzanine level; the removal of the existing garden centre and builders' yard, provision of cycle parking, recycling facilities and reconfiguration of the customer car park at B&Q Warehouse, Lightship Way, Colchester. The application had been referred to the Committee because the application was classified as a major development and objection had been received and also because the recommendation required the completion of a legal agreement under Section 106 of the Town and Country Planning Act. The Committee had before it a report and an amendment sheet in which all the information was set out.

Simon Cairns, Major Development and Projects Manager, presented the report and,

together with Martin Mason, Essex County Council, Strategic Development Engineer, Laura Chase, Planning Policy Manager, and Paul Wilkinson, Transportation Policy Manager, assisted the Committee in its deliberations. He explained that the mitigation measures proposed for the scheme had been agreed in part by the applicant but a number of improvements, such as upgrading of the railway bridge to accommodate cyclists, street lighting and the duration of support for the bus service, had been contested by the applicant.

Caroline Hewitt addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that work on the application had started in 2013 and that the issues now before the Committee centred on the highway and retail impact. She highlighted the view of the Council's retail consultant who found the proposals to be acceptable and that otherwise the feedback on the application had been generally positive. In summary the application involved the re-use of an existing store, the creation of 450 new jobs with B&Q staff to be offered opportunities, no significant detrimental impact on the neighbouring retail units and improvements to the road network.

Councillor T. Young attended and, with the consent of the Chairman, addressed the Committee. He explained that, on balance, he cautiously welcomed the application having weighed up the highway and traffic issues against the employment opportunities. He voiced hopes that Sainsbury would agree to adopt the Living Wage (as calculated by the Living Wage Foundation) and was of the view that the objections raised by Tesco needed to be considered in the context of fair competition and choice for consumers. He considered the traffic volumes to be the most significant negative issue and hoped that the mitigation measures agreed would be sufficient to adequately address them. He referred to considerable levels of congestion at certain times of the day which was unlikely to be improved by the proposal. He also made mention of the concerns raised by Colchester Bus Users Group regarding additional improvements to bus services citing the difficulty of accessing the location for residents of Greenstead and he considered any subsidy agreed needed to be for a three year duration. He further considered the improvements for walkers and cyclists to be vital, together with 24 hour security and street lighting measures.

Some members of the Committee sought clarification regarding the status of the application site as employment land, questioned the disregarding of the impact on the existing Tesco store and raised concerns about the future commitment to the retention of the Sainsbury store in the Town Centre whilst others welcomed the employment and retail opportunities derived from the application.

Other Committee members were of the view that retail competition should be welcomed as it would maintain jobs and reduce prices.

The Committee members were generally of the view that improvements to the bus service and cycle provision were crucial, a number favouring a three year bus subsidy,

potentially with support scaled down when the service proved sustainable, as well as the railway bridge improvement and the street lighting proposals but concern was raised about the impact on traffic congestion in the area and clarification was sought on the measures to be introduced to the roundabout at the junction of the A133 and St Andrew's Avenue.

In response to specific questions the Major Developments and Projects Manager confirmed that, as the current retail use had been established over a number of years, there was no prospect of the application site returning to employment land. He considered, as Lightship Way was an un-adopted road, it would be preferable to secure the offer made by the applicants to provide improved lighting from the within the site, together with an additional bus shelter. He explained that the assessment of the retail impact had demonstrated that the sequential and retail impact test had been satisfied and had provided no evidence to suggest that the Town Centre Sainsbury store would be forced to close as a consequence of the proposals under discussion. The impact on the existing Tesco store had shown a reduction in turnover of over 28% which would reduce the profitability but was not considered sufficient to lead to closure.

The Strategic Development Engineer provided details of the impact on the highway network and the A133/St Andrew's Avenue roundabout and explained that the Highway Authority was very keen to secure the improvements to the road network as it was very aware of the traffic problems in the area. He was confident that the proposals, which would be delivered by means of a Section 278 agreement and involved the provision of a third lane around the southern half of the roundabout from Clingoe Hill to St Andrew's Avenue and lane widening northwards at the crossing on the Colne Causeway, would achieve what was required in terms of mitigation.

The Major Development and Projects Manager confirmed that the views expressed by Tesco on the proposals in relation to the loss of employment land had been taken into account by NLP, the Council's retail consultants, who had concluded that the current retail use was now established and the loss of employment land was not a matter which could be taken into account in the consideration of the application in the current circumstances.

The Transportation Policy Manager confirmed that officers would be willing to seek a three year subsidy of the bus service with a view to it becoming sustainable thereafter.

RESOLVED (ELEVEN voted FOR and ONE voted AGAINST) that the Head of Commercial Services be authorised to seek developer contributions providing for extended support for the bus service, CCTV and the upgrading of the adjacent pedestrian rail bridge for cyclists, as set out in the report. If these negotiations are unsuccessful, the application be referred back to the Committee for further consideration. If agreement is achieved, then the planning application be approved 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, in the

event that the legal agreement is not signed within six months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following financial contributions:

- Provision of enhanced bus service - £50,000
- Upgrading of pedestrian bridge over rail line to facilitate use by cyclists - £100,000
- Provision of CCTV to enhance pedestrian/cyclist safety for shoppers - £66,000
- Implementation of recruitment and training initiative to improve opportunities for the local unemployed

and on completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report as amended in accordance with the changes set out in the amendment sheet

272 152182 36-40 Crouch Street, Colchester

The Committee considered an application for the variation of condition 2 of planning permission F/COL/04/1046 (to relocate bin store and cycle store) at 36-40 Crouch Street, Colchester. The application had been referred to the Committee because it was classified as a major application and objections had been received. The Committee had before it a report and an amendment sheet in which all the information was set out.

Chris Harden, Planning Officer, presented the report and, together with Simon Cairns, Planning Projects Manager, assisted the Committee in its deliberations.

Rod Woods addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was representing leaseholders from the application site. The leaseholders had received no consultation regarding the proposals and were concerned that the changes would be imposed upon them. He referred to the report on the proposal and that it made little mention of the commercial occupants of the building but who were in the practice of making use of the bin store. He disputed the estimate of the number of cycles that could be accommodated in the cycle store and he considered the proposals to be inadequate to meet the necessary demand from the leaseholders.

Members of the Committee were generally of the view that the premises were in a highly sustainable location and, as such, no reduction in cycle storage provision should be approved. It was acknowledged that there was currently an over provision but this was considered to be desirable given the potential for cycle usage to increase in the future. Members of the Committee were also generally of the view that the bin store provision needed to be retained at its existing capacity in the light of the Council's stated priority to increase recycling rates in the Borough.

The Planning Officer explained that the agents for the applicant had confirmed that the bin store areas were not utilised by the commercial users of the premises. The Council's standards for the premises required the provision of two eurobins whereas the actual

provision was proposed to be five. As such, there was also potential to increase the recycling bin capacity in the future should it prove necessary. The proposal further included a reduction to the cycle storage provision but, as there had been an over provision when measured against the Council's adopted standards, the proposals would still meet the Council's requirements.

Other members of the Committee, whilst disappointed that no discussion with leaseholders had taken place, acknowledged the provision for bin storage was well in excess of the required standard and with improved cycle racking the cycle storage would be adequate to provide sufficient space for each flat occupant.

The Major Development and Projects Manager confirmed that there was an existing over provision of storage space and the proposals were in accordance with the Council's adopted standards for bin and cycle storage. In his view, if the Committee was minded to refuse the application there was a risk that that the decision would be considered unreasonable and, as such, the Council could be liable for costs.

As the discussion suggested that the Committee may be minded to refuse the application contrary to the officer's recommendation in the report the Chairman invited the Committee to consider invoking the Deferral and Recommendation Overturn Protocol (DROP). The Committee did not support invoking the DROP and accordingly, the Chairman then invited the Committee to determine the application without deferral.

RESOLVED (NINE voted FOR and THREE voted AGAINST) that the planning application be refused on grounds of sustainability.

273 152512 243 Berechurch Hall Road, Colchester

Councillor Hazell (in respect of a previous transaction at the applicant's company) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for a proposed teaching swimming pool at 243 Berechurch Hall Road, Colchester. The application had been referred to the Committee because it had been called in by Councillor Barton. The Committee had before it a report in which all the 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.

Chris Harden, Planning Officer, presented the report and, assisted the Committee in its deliberations. He had been notified that the parking arrangement for the application were to be updated to provide for 12 to 14 spaces to cater for the teaching pool with a disabled vehicle space at the front of the site, the details of which would require submission in writing and be the subject of formal approval.

Steve Conway addressed the Committee pursuant to the provisions of Planning

Committee Procedure Rule 8 in support of the application. He explained that he had operated a business from the site for 31 years. The proposed building was only one metre larger than the existing poly-tunnel structure, there would be no noise from the plant equipment and chlorine gas levels were reduced by 85%. The building was highly insulated and produced no noise. There was a demand for baby and young people's teaching pools and he wished to take advantage of this business opportunity to increase his income capacity.

One member of the Committee acknowledged that the applicant had gone a long way to address the concerns expressed by neighbouring residents. However there remained issues for residents of Catkin Mews in relation to the proposed location of the plant room and the height of the fencing and potential penetration of exhaust fumes from customers' vehicles. Concern had also been mentioned regarding potential disturbance from pool parties.

The Planning Officer agreed that an additional condition could be included to specify a height and type of fencing to address concerns expressed by residents. He did not consider a further condition to place a restriction on the holding of pool parties to be reasonable.

RESOLVED (ELEVEN voted FOR and ONE ABSTAINED) that the planning application be approved subject to the conditions set out in the report and additional conditions to provide for the height of the boundary fences to be raised and for the transfer of exhaust fumes to be controlled.

274 152331 41 Victoria Road, Colchester

Councillor Chuah (in respect of her acquaintance with the objector to the application) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Cope (in respect of his acquaintance with the objector to the application) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor G. Oxford (in respect of his acquaintance with the objector to the application) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for part double, part single storey extensions to side and rear and addition of oriel window to front, following demolition of existing side and rear extensions at 41 Victoria Road, Colchester. The application had been referred to the Committee because the application had been called in by Councillor Hardy. The Committee had before it a report and an amendment sheet in which all the 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.

Chris Harden, Planning Officer, presented the report and, assisted the Committee in its deliberations.

Colonel Tony Barton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that Victoria Road was an attractive place to live and that appropriate modifications had taken place to houses in the area over time. He considered the proposal to be an aggressive development on the boundary of his property and he was concerned that it would set a precedent. The rear extension would extend to half way down the side of his rear garden which would lead to overshadowing and a denial of sunlight except during the height of the summer months. He referred to his being in receipt of a War Pension, that he was less mobile than he had been and that his garden was relatively small compared to his neighbours'. The impact to the neighbouring property on the other side of the application site was also negative as it would lead to a restriction of the light to the bedroom occupied by a person with Type1 diabetes. He considered the proposal would alter the character and ethos of this part of the town and that the plans were inadequate.

Joseph Eyre addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposals were consistent with those in relation to the extension at 43 Victoria Road which had received approval in 2008 and were similar to those which had been constructed at 39 Victoria Road. He explained that the existing car port was unsightly and that the proposals would restore the gap between the building and the boundary. The proposals would not create any over-looking as the proposed window would have obscured glazing. With regard to the neighbour's extension, he considered there would be no impact due to the north facing aspect. The shape of the proposed extension would follow that of the house whilst the roof, at its highest point, was three metres away from the boundary. In relation to the proposal to replace a circular window to the front of the house with an oriel one, he confirmed from photographic evidence that the original window had been rectangular not circular, whilst his proposals also provided for wooden framed windows. He considered the proposals to be entirely in-keeping with the street scene of the area.

Councillor Hardy attended and, with the consent of the Chairman, addressed the Committee. She referred to the practice of buying small houses and extending them to meet modern requirements. She asked the Committee members to protect the neighbouring residents from inappropriate development. The application related to a modest detached house created in the 1920s or 1930s on a corner plot. She referred to the change to the front window as early as 1931 and requested that the circular window be retained whilst acknowledging that the site was not in a Conservation Area. She explained that the neighbouring residents considered that the proposal would detract from the original spatial concept of the art deco property and an improved design was required. The pitch of the roof to the south side was considered unacceptable and that

this overbearing element needed to be looked at again. She also referred to the extension at 43 Victoria Road which had created an upstairs window and which was now threatened by a loss of light and privacy.

The Planning Officer explained that he did not consider the proposal to be aggressive but that it was a considerable improvement to the existing structure in the site in that it was both lower and further away from the neighbouring property. He confirmed that the single storey to the side would have no impact on the property at 43 Victoria Road. He acknowledged that the proposal did extend further down the garden but as it was away from the boundary line, he considered this to be acceptable. He was also of the view that the design would create no detriment to the street scene. He did not consider it reasonable to seek the retention of the circular window as the property was not a Listed Building and was not located in a Conservation Area. He went on to explain that the permission to replace the window was only required because the new window was one which would project forward of the building line. He confirmed that he had visited both neighbouring properties on two occasions and that the plans had been amended with a view to accommodating some of the concerns.

Members of the Committee were generally of the view that Victoria Road included a mix of style of properties and, as such, there would be no detrimental effect on the neighbouring properties. In addition it was not considered reasonable to refuse an application on the grounds that a neighbour's extension required to be protected. Reference was also made to the design of the proposals which were considered acceptable and the view expressed that the proposals would be an enhancement to the existing structure on the site.

RESOLVED (ELEVEN voted FOR and ONE ABSTAINED) that the planning application be approved subject to the conditions set out in the report.

275 152795 Rowan House, 33 Sheepen Road, Colchester

The Committee considered an application for the construction of car ports incorporating integral solar photovoltaic panels and associated works at Rowan House, 33 Sheepen Road, Colchester. The application had been referred to the Committee because it had been submitted on behalf of Colchester Borough Council. The Committee had before it a report in which all the information was set out.

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

Planning Committee

Thursday, 18 February 2016

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Helen Chuah (Member), Councillor Jo Hayes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson)

Substitutes: Councillor Roger Buston (for Councillor Jackie Maclean), Councillor Professor Peter Higgins (for Councillor Jon Manning), Councillor Gerard Oxford (for Councillor Philip Oxford), Councillor Julia Havis (for Councillor Jessica Scott-Boutell)

276 Site Visits

Councillors Chillingworth, Chuah, Havis, Hayes, Hazell, P. Higgins, Jarvis, Moore and G. Oxford attended the site visit to Walter Radcliffe Road, Wivenhoe and, in addition, Councillors Havis and P. Higgins attended the site visit to Tollgate West Stanway.

277 Chairman

Councillor G. Oxford was elected Chairman for the meeting.

278 Deputy Chairman

Councillor Chuah was elected Deputy Chairman for the meeting.

279 Minutes

There were no minutes for confirmation at the meeting.

280 152550 Bawley House, Walter Radcliffe Road, Wivenhoe

The Committee considered an application for the variation of Condition 02 of planning permission 145776 to subdivide the ground floor into three B1 units at Bawley House, Walter Radcliffe Road, Wivenhoe. The application had been referred to the Committee because it had been called in by Councillor Liddy. The Committee had before it a report in which all the 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.

Sue Jackson, Principal Planning Officer, presented the report and, assisted the Committee in its deliberations.

Asa Aldis on behalf of Wivenhoe Town Council addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that when the application had been originally approved in November 2001 the intention was for a mix of residential and employment uses. He referred to other units which had been subject to change of use to residential and the Town Council wished to avoid the potential for this to happen in this instance. He therefore requested the Committee to consider the addition of a condition to the planning permission to prevent a future change to residential use.

Councillor Liddy attended and, with the consent of the Chairman, addressed the Committee. He explained that he was a former Wivenhoe Town Councillor and remembers when the original consent had been granted when it was envisaged that the proposals would create a vibrant mixed development. He explained that the commercial units had dwindled over the years although the development had been successful and was popular with house buyers. This unit would be the last remaining non-residential one and he considered it to be important that its commercial use was retained and these opportunities continued for future generations.

The Principal Planning Officer explained that if the application was approved and implemented then it would be possible for the use to be changed to residential without further permission being sought. She therefore considered the addition of a condition to remove the permitted development rights to enable a change to residential use would be appropriate.

Members of the Committee acknowledged the aspiration of the Town Council to retain a mixed development and its disappointment that some units had been changed to residential use as well as the needs of the applicant to adapt to changing circumstances by making the units more marketable. The suggestion to remove the permitted development rights in this instance was considered appropriate in the light of the continued aspiration to secure a mixed use development.

RESOLVED (UNANIMOUSLY) that the planning application be approved 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, in the event that the legal agreement is not signed within six months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete a linking agreement to provide a financial contribution of £40,000 for affordable housing and the construction of the building within a specified period and on completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report together with an additional condition to provide for the removal of permitted development rights to convert the units

from B1 office use to residential use.

281 152882 Hallfields Farm, Manningtree Road, Dedham

The Committee considered an application for variation of Condition 2 which lists the approved drawings of planning permission 146334 to allow amendments to the materials and windows to plots 4 and 5 at Hallfields, Manningtree Road, Dedham. The application had been referred to the Committee because it was a major application and objections had been received. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the planning application be approved subject to the signing of a linking agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the linking agreement is not signed within six months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to secure the same matters as the existing agreement for application 146334 and on completion of the linking agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report.

282 150239 Land to north/south of Tollgate West, Stanway

Councillor G. Oxford (in respect of his membership of the Local Plan Committee) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report by the Head of Commercial Services, in accordance with the Committee's Deferral and Recommendation Overturn Procedure which had been invoked by the Committee at its meeting on 17 December 2015 as there was a suggestion that the Committee may be minded to determine the application contrary to the officer's recommendation in the report. The outline application was for mixed development of leisure uses (use class D2) including cinema and retail (use classes A1, A2, A3, A4, and A5) with associated parking including multi-storey car park, public realm improvements, access, highways, landscaping and associated works at land to the north/south of Tollgate West, Stanway, Colchester.

Councillors Havis and P. Higgins both confirmed that they had undertaken planning skills training, they had listened to the audio recording of the Planning Committee meeting on 17 December 2015, had read the reports by the Head of Commercial Services for the meeting in December and this meeting and had undertaken a formal visit to the application site to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Andrew Weavers, Monitoring Officer, clarified DROP and explained that consideration of the application had been deferred at the meeting on 17 December 2015 prior to the

Committee voting on a proposal to approve the application pending the submission of certain additional information relating to the financial implications including the need to refer the matter to the Secretary of State for Communities and Local Government, risks to the Council, recommended conditions and Heads of Terms should the application be granted. He reminded the Committee members that, prior to determining the proposal to approve the application, they would need to consider the contents of the reports and the amendment sheet as well as the officers' advice.

Vincent Pearce, Planning Projects Specialist, presented the report and, together with Karen Syrett, Place Strategy Manager and Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

The Committee had before it a report containing:

- Risks - existing Adopted Local Plan, Local Plan process, Stane Park appeals, Strategic Plan, Northern Gateway, impact on and investment in Town Centre
- Financial Implications – Judicial Review, departures from development Plan, call-in by Secretary of State and appeals
- Representations received since 17 December 2015
- Suggested conditions and Heads of Terms.

The report from the meeting on 17 December 2015 was also reproduced together with an amendment sheet with updates and representations since the agenda for the meeting had been published.

Some members of the Committee referred to the National Planning Policy Framework and the requirement for employment land to be protected only where there was a reasonable prospect of development for this purpose. Safeguarding the Town Centre from out of town competition was not considered to be an appropriate strategy for the long term benefit of Colchester as a whole. Reference was also made by some Committee members to the fact that CBRE, on behalf of the new owners, had confirmed the purchase of Red Lion Walk and that this seemed to be at a price higher than previously valued, indicating keen investor interest in the Town Centre. The need for consistency in relation to the recommendations presented to the Committee members as part of their consideration of differing applications in Stanway as well as other parts of the Borough was raised. The view was also expressed that the Tollgate Village proposals were considered to be a different shopping experience to Town Centre shopping and that both options could survive together as well as thriving from the competition one placed on the other. Recent closures of town centre retailers were considered to be as a result of high rental cost and lack of family succession rather than the attraction of out of town options, whilst concern was expressed regarding the negative response that the proposals for Tollgate had generated and a preference for a more open minded view to be taken. In addition these Committee members considered

that problems of stagnation would be as a consequence of the lack of competition.

Members of the Committee also stated the view that the application was so exceptional in terms of the proposed £65m investment and 500 new job opportunities that it was appropriate to make a case to divert from the Local Plan. Concern was expressed that if the application was not approved that these benefits for the whole of the Borough would be lost. The view was expressed that no progress had been made on the Vineyard Gate development for a considerable number of years and a planning application was still awaited from the developers. Notwithstanding this, the Town Centre had benefitted from a £30m investment from Fenwicks which, it was considered, supported the opinion that the economy was now improving and that the country had been coming out of recession for some time. This suggested there must be other factors preventing progress on sites such as Vineyard Gate. A further view was expressed regarding retail shopping habits which were changing with shoppers using Town Centres in different ways to access Museums and Art Galleries. Accordingly it was considered that the businesses in Town Centres needed to find ways to proactively address these changes.

Particular clarification was sought in relation to the recent application from Sainsbury at the current B&Q site which had been approved by the Committee in accordance with the officer recommendation despite evidence of adverse impact on the nearby Tesco store.

Other members of the Committee referred to the five clear reasons to justify refusal of the application set out in the report by the Head of Commercial Services which could be summarised in terms of the primacy of the Town Centre over the urban district, the loss of long term employment land, the fact that Colchester had an up to date Local Plan and there was no evidence of material considerations sufficient to outweigh these factors. It was considered that the proposal needed to be considered as part of the ongoing Local Plan review, whilst consideration was also given to the duty of co-operation with Tendring and Braintree and the need for the proposals to be properly consulted upon within the Local Plan process. Reference was also made to the lack of clarity in terms of potential occupiers of the retail units, the potential harmful impact on the Town Centre of the proposals which were, at least in part, speculative in nature and the difficulty of not adhering to the Local Plan in the light of these unknown factors. The overriding importance of adhering to both national and local policies was highlighted and that no planning considerations had been presented to make an exception to these policies.

In response to specific questions, the Planning Projects Specialist explained that the estimates of the financial impact on the Town Centre had been assessed by the Council's Retail Consultants using industry accepted methods but he was not in a position to confirm the margin of error included. He explained that there had been a recent uptake of interest in the small business uses in Stanway and that the Local Plan was seeking to encourage higher salaried jobs. He confirmed that the Tollgate Village proposals were contrary to the established retail hierarchy for the Borough and that competition from out of town retail centres meant that the Town Centre, as a sub-regional centre would become less able to compete with its sub-regional rivals in

Chelmsford and Ipswich. He highlighted the complications for development in Colchester Town Centre which required heritage assets to be incorporated and the corresponding increased timescales to secure investment as a consequence. He also confirmed that the retail consent sought at Tollgate included unrestricted retail (A1) use which was the type that was found in the Town Centre. Additionally, the applicants were not willing to accept a bulky goods restriction on new retail floor space, which, in the Planning Projects Specialists' opinion, suggested the character of retailing between the two locations could not be considered mutually exclusive.

The Place Strategy Manager explained the importance of land allocations being the subject of regular review and the need for the Land Plan process to be followed in order to adequately provide for such reviews. She referred to the significant growth that had occurred in Colchester which in turn required support in terms of employment and retail opportunities and the need for this to be planned strategically over the long term in accordance with the Local Plan process. She emphasised the importance of following this statutory process and the consultation requirements embodied within it and confirmed that the issue of prematurity was one which was applicable and of relevance in this instance.

The Major Development and Projects Manager responded to a particular question regarding the planning application from Sainsbury at the B&Q site. He explained that, in this case, the Sequential test had been satisfied and the Impact test had demonstrated that the impact on the Tesco store would be negative but not sufficiently adverse to warrant a refusal of the application and, as such, the officer recommendation had been for the application to be granted.

In accordance with the Deferral and Recommendation Overturn Procedure, the Chairman invited the Committee to vote on the proposal to approve the application. The proposal was lost (FOUR voted FOR and EIGHT voted AGAINST).

In the light of the additional information presented at the meeting, a Motion to refuse the application on the grounds set out in pages 67, 68 and 69 of the supplementary report was then proposed and seconded.

RESOLVED (EIGHT voted FOR and FOUR voted AGAINST) that –

- (i) In the light of the additional information presented at the meeting, the application be refused on the grounds set out in pages 67, 68 and 69 of the supplementary report
- (ii) The Local Plan Committee be invited to fully investigate, as part of the preferred options process the employment land and retail expansion issues identified in the Planning Committee's consideration of this application.

Planning Committee

Thursday, 03 March 2016

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Helen Chuah (Member), Councillor Jo Hayes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Member), Councillor Jackie Maclean (Member), Councillor Jon Manning (Chairman), Councillor Patricia Moore (Member), Councillor Rosalind Scott (Group Spokesperson), Councillor Jessica Scott-Boutell (Deputy Chairman)

Substitutes: Councillor Gerard Oxford (for Councillor Philip Oxford)

283 Site Visits

Councillors Chillingworth, Chuah, Hayes, Hazell, Jarvis, J. Maclean, Manning, Moore, G. Oxford, Scott and Scott-Boutell attended the site visits.

284 Minutes of 7 January 2016

The minutes of the meeting held on 7 January 2016 were confirmed as a correct record.

285 Minutes of 21 January 2016

The minutes of the meeting held on 21 January 2016 were confirmed as a correct record.

286 151850 Cowdray Centre, Mason Road, Colchester

The Committee considered an application for the demolition of existing buildings and redevelopment to provide up to 154 dwellings within Class C3 and up to 2,517sqm B1 and/or D1 floor space, with related access, roads and paths, car parking and servicing, open space and landscaping at the Cowdray Centre, Mason Road, Colchester. The application had been referred to the Committee because it was a major application with an officer recommendation for approval which had generated material planning objections and a Section 106 legal agreement was required. The Committee had before it a report and an amendment sheet in which all the 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, Planning Officer, presented the report and, together with the Simon

Cairns, Major Development and Projects Manager, Martin Mason, Essex County Council, Strategic Development Engineer, assisted the Committee in its deliberations. The Planning Officer confirmed that three further letters had been received since the amendment sheet had been published raising no new planning matters but commenting on the history of the site, congestion and a desire for the site to retain industrial use.

Maurice Fitzgerald addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the site offering an opportunity for change in the form of a regeneration project. The cleared area extended over 10 acres with a number of business units let on short term tenancies. The applicant had sent regular newsletters to the business users and had offered assistance in relocation which had generated only three enquiries to date. Nevertheless, the offer of assistance would be continued. The proposals were on a highly sustainable brownfield site and, as such were fully in line with Government aspirations and policies. The application followed good design principles as well as including ecological improvements, drainage provisions, reductions in heavy goods vehicle movements and low carbon initiatives, including living roofs. He believed the proposals would bring a very welcome solution to a long underused site.

Some members of the Committee were concerned at the loss of the existing business units and regretted the potential loss of local job opportunities. Reference was also made to the site's mixed use allocation requiring no more than 50% to be utilised for residential purposes and the fact that the proposal had placed all the residential development in one specific area of the site. The density of the residential development and its proximity to network rail equipment was questioned as well as potential noise disturbance from trains. Other matters of concern included surface water drainage in the light of known flooding issues nearby, the need for play facilities on the site, the capacity of local schools to accommodate the likely increase in the number of school children from the development and also traffic congestion which was considered to be very problematic particularly at peak times of the day and the impact of the additional traffic generated as a result of the residential development.

Members of the Committee generally welcomed the proposals to improve the wildlife area and the low carbon initiatives proposed for the new dwellings. The site's potential to deliver renewable energy benefits was also mentioned. In particular, the safeguarding of land for potential future use in connection with a link road under the railway line to Petrolea Close was fully supported and reference was made to the potential for this to provide an alternative access for the site and to the north of the railway line generally.

The Planning Officer explained that there were 29 business units on the site of which 19 were currently occupied. The majority were A1 (retail) uses and a lesser number were B2 (vehicle repair type) uses. There was no scope to relocate these type of businesses within Cowdray Trade Park but, as well as the applicant, there was assistance available from the Council to identify potential sites. As the site was designated for mixed use, the loss of these business units from the site was not considered sufficient justification to

recommend a refusal. She went on to confirm that, as the application was for outline permission, matters such as layout, design, density, open space, location of GP surgery and low carbon proposals were all issues which would be considered at the detailed application stage. The report had included a proposed condition in relation to the provision of a buffer between the development and the railway equipment.

Environmental Protection had also recommended a condition to address matters relating to reductions in air quality as a result of traffic issues. Drainage was a matter for Essex County Council, as responsible authority for sustainable drainage systems, and Anglian Water and neither had offered any adverse comments on the proposals whilst Essex County Council in its capacity as Education Authority had requested a financial contribution towards primary school places, should the viability review indicate an improved financial outcome.

The Major Development and Projects Manager explained that it was not considered necessary to retain an A1 use on the site for the possible provision of a convenience store as units with A1 use were already situated along Cowdray Avenue and the planning service understood there was likely to be a future proposal in relation to the nearby store, previously occupied by Staples.

The Strategic Development Engineer was asked specific questions in relation to the site being accessed from only one road and the methods used to calculate a road network's ability to cope with additional traffic. He explained that the site was very similar to the former Flakt Woods development on Bergholt Road, in that it was former industrial premises with one access road. There had been no problems at this location since its development and he did not anticipate any problems with the Cowdray Centre proposals, especially given no matters of concern had been raised by Essex Fire Authority. He also confirmed there were two separate pedestrian routes to access the site. In terms of traffic congestion generally, he explained that the traffic assessment submitted to support the proposals had provided up to date survey data and, by means of the use of TRICS, the national standard for the analysis of the transport impact of new developments, had revealed a potential increase of 3% which was not considered significant. He went on to the very high level of sustainability of the site, with its close proximity to food shops, leisure facilities, the railway station and the town centre meaning car owners may opt not to use their vehicles on a regular basis. He explained that the provision of a tunnel under the railway had been an aspiration over a number of years but its delivery would come at a very significant financial cost (estimated at £30m in 2011). In the circumstances it had been agreed with the applicant that improvements would be provided to upgrade the public footpath to the north west of the site to a cycleway whilst he was not able to support any suggestion to create a link to Clarendon Way by the provision of highway rights to this route as it would be detrimental to the public rights of way network.

RESOLVED (TEN voted FOR and TWO ABSTAINED) that the planning application be approved 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, in

the event that the legal agreement is not signed within six months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- Viability review
- Land to be set aside for a possible future road link under the railway line to Petrolea Close, details to be provided
- Provision of play area on site, details and of management company to be provided
- Open space secured at reserved matters stage, to be managed by private company (details to be provided), details of provision to be provided

and on completion of the legal agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report

287 152438 40 Boadicea Way, Colchester

The Committee considered an application for the retention of additional windows, repositioning of side door and window in newly built garage at 40 Boadicea Way, Colchester. The application had been referred back to the Committee following the deferral of consideration at the meeting on 21 January 2016 to enable the Head of Professional Services to facilitate further negotiations with the applicant to seek a better level of protection to neighbouring properties and to secure more control over the garage use. The Committee had before it a report in which all the information was set out.

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

288 160206 The Old Police Station, 37 Queen Street, Colchester

The Committee considered an application for advertisement consent for a shroud to be placed on the front elevation showing the proposed creative business centres at The Old Police Station, 37 Queen Street, Colchester. The application had been referred to the Committee because the Council was involved in the redevelopment of the building. The Committee had before it a report in which all the information was set out.

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



Application No: 152826

Location: Land to the East of Warren Lane & West of Dyers Road, Stanway, Colchester, CO3 0LN

Scale (approx): NOT TO SCALE

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **17th March 2016**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Alistair Day

Due Date: 04/04/2016

MAJOR

Site: Land to the East of Warren Lane and West of Dyers Road, Stanway, Colchester, CO3 0LN

Application No: 152826

Date Received: 4 January 2016

Agent: Miss Sophie Jamieson, Barton Willmore LLP

Applicant: Mr David Burns, Taylor Wimpey East London

Development: Full planning permission for the development of the site for 93 dwellings, public open space, landscaping, access and car parking.

Ward: Stanway

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement subject to Council's Archaeological Officer and the Highway Authority not raising any objection (that cannot be resolved by a condition)

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because objections have been received to the development proposal and a s106 legal agreement is required.

2.0 Synopsis

2.1 The key issues explored below are land-use, design, traffic and highway implications, flood risk, impact on ecology and archaeology. The impact on neighbouring amenity and the surrounding area (including the setting of Streamlines) is also discussed in the report. The report also set out the proposed s106 obligations.

3.0 Site Description and Context

- 3.1 The application site has an irregular shape and extends to some 4.4 hectares. The site is located to the east of Warren Lane and to the north of Dyers Road. The southern part of the site is dominated by a large arable field bordered by mature trees and hedgerows. The northern part of the site comprises a house and vacant kennels, catteries and administrative buildings, together their associated grounds. There is a substantial change in levels across the site; the ground levels change sharply (about a 4m drop) at the juncture between the northern and southern parts of the site. A number of trees are subject to a Tree Preservation Order.
- 3.2 Immediately to the south west of the site are five houses set in landscaped grounds that occupy a triangular piece of land enclosed by the site, Warren Lane and Dyers Road. Dyers Road marks the south eastern edge of the site. The land to the east and to the north is in agricultural and is allocated in the local plan for future residential development. Housing is located to the north of the site and to the north west. To the west of the site is the Lakeland development.

4.0 Description of the Proposal

- 4.1 Full planning permission is sought for the erection of 93 dwellings and associated open space, landscaping, access and car parking. It is proposed that the scheme will provide 19no. 2 bed units, 47no. 3 bed units, 25no. 4 bed units and 2no. 5 bed units.
- 4.2 The main vehicular access to the site will be via a new eastern arm to the Warren Lane / Stanway Western By-pass roundabout. The new access road will serve the majority of this development and will ultimately connect to the adjoining allocated residential development land.
- 4.3 In addition to the main access via the roundabout, it is proposed to serve ten residential dwellings proposed for the north west corner of the site via a simple priority junction with Warren Lane.
- 4.4 The development will provide pedestrian and cycle access points onto the existing highway network on Warren Lane and Dyers Road. A combined pedestrian and cycle path is proposed on the northern side of the spine road.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 Prior Notification of Proposed Demolition of the buildings on the Par Air site – approved November 2015
- 6.2 A formal request for an Environmental Impact Assessment (EIA) Screening Opinion was submitted to the Council in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended in November 2015.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR1 - Regeneration Areas
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - PR2 - People-friendly Streets
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA3 - Public Transport
 - TA4 - Roads and Traffic
 - TA5 - Parking
 - ENV1 - Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP1 Design and Amenity
 - DP2 Health Assessments
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP4 Community Facilities
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - 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

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:
- SA STA1 Appropriate Uses within the Stanway Growth Area
 - SA STA2 Phasing of Greenfield sites in Stanway Growth Area
 - SA STA4 Transportation in Stanway Growth Area
 - SA STA5 Open Space in Stanway Growth Area
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
- Stanway Parish Plan and Design Statement (March 2011)
 - Stanway Southern Slopes Access Brief (May 2011)
 - Community Facilities
 - Vehicle Parking Standards
 - Open Space, Sport and Recreation
 - The Essex Design Guide
 - External Materials in New Developments
 - Affordable Housing
 - Cycling Delivery Strategy

8.0 Consultations

- 8.1 Consultation responses are summarised as follows:

Urban Design Officer

- 8.2 The Council's Urban Design Officer has advised that the scheme is generally of a reasonable standard when assessed against the Building for Life criterion. Detailed comments are summarised as follows:
- The layout, house types and street designs are reasonably structured, composed and inoffensive. Greens provide welcome focus, though the overall impression would appear quite suburban.
 - Buildings predominantly front onto streets and spaces and there is generally good attention to turning corners, though the scheme generally lacks either active continuous frontage or planting to more strongly define streets and spaces.
 - Streets have a clear and logical hierarchy from a traditional highways perspective
 - Car parking generally appears reasonably provided in accordance with ratio and design standards
 - The scheme states the intention to comply with relevant refuse storage/collection and cycle parking
 - Two greens provide welcome visual relief; though the designs might have gone further to promote play and social use (e.g. by the provision of play equipment).
 - Private amenity space appears to meet policy standards, except for flats where balconies might provide a solution.
 - TPO'd trees appear reasonably integrated on the boundaries and on the main green.
 - It's a shame the Victorian house is not retained, albeit it's of no architectural significance

Archaeological Officer

- 8.3 The proposed development site is located in an area of high archaeological importance. There is high potential for encountering below-ground archaeological remains in this landscape setting, which is topographically favourable for early occupation of all periods, at the head of a minor tributary of the Roman River and in a similar landscape context to many known archaeological sites, including the Scheduled Monument at Gosbecks Farm Iron Age and Romano-British site (NHLE 1002180), to the south-east, and Stanway burials to the south.
- 8.4 In order to establish the full archaeological implications of this large area - which has not been the subject of any previous systematic archaeological investigation - the applicant should be required, prior to determination of the application, to provide for an archaeological field evaluation of the site. The area cannot be assessed or approved in my view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent). This information should be incorporated in the design and access statement, in accordance with the NPPF (paragraphs 128, 129 and 132), in order for the LPA to be able to take into account the particular nature and the significance of any below ground heritage assets at this location. *Officer comment:* Geophysical investigation has now been undertaken and the results are awaited.

Landscape Officer

- 8.5 The Landscape Officer has confirmed that he is broadly content with the landscape content of the proposal and has recommended conditions to cover the detailed landscaping.

Tree Officer

- 8.6 The Tree Officer has confirmed that he is in agreement with the conclusions and recommendations made within the report provided. The proposal does require the felling of numerous trees on the site but these are mainly of low value and as such should not constrain the development. Replacement trees can be provided by condition.

Housing Development Officer

- 8.7 The Housing Development Officer has confirmed that the affordable housing mix (set out below) is acceptable and reflects the mix of market homes in accordance with our SDP in terms of size, bedroom size and location. The following mix is proposed:
- 1 x 2 bed FOG apartments (Type PT21) @ 60m² – Affordable Rent
 - 10 x 2 bed houses (Type PA25) @ 64m² – 8 x AR and 2 x Shared Ownership
 - 8 x 3 bed houses (Type PA33) @ 80.5m² – 6 x Affordable Rent and 2 x Shared Ownership

Environmental Control (General)

- 8.8 No objections subject to condition to cover amenity.

Environmental Control (Contamination)

- 8.9 The Contamination Land Officer has confirmed that based on the information provided to date, it would appear that the site could be made suitable for the proposed use, with provision of the necessary additional information dealt with by way of condition. The model contamination conditions are recommended.

Street Services

- 8.10 No comments received

Highway Authority

- 8.11 The Highway Authority provided comments on the initial planning application submission. The applicant has undertaken the requested changes. A formal recommendation by the Highway Authority on the amended plans is expected prior to the committee.

Highways England

- 8.12 Highways England has raised no objection to this application.

Natural England

- 8.13 Natural England has raised no objection to this application on the basis that the proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England state that they have not assessed this application and associated documents for impacts on protected species and refers the Council to their standing advice. Natural England also note that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

Lead Local Flood Authority (LLFA)

- 8.14 The LLFA state that they have reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The scheme will be able to use infiltration SuDS and ponds and control the current surface water run-off discharged from the site.
- 8.15 The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed in the Flood Risk Assessment, Project No. 70002450, dated December 2015, WSP Parsons Brinckerhoff are implemented and secured by way of a planning condition on any planning permission.

Anglian Water

- 8.16 The development [if unmitigated] will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We will request a condition requiring compliance with the agreed drainage strategy
- 8.17 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Environment Agency

- 8.18 No Comments received.

Essex County Council Education

- 8.19 The Education Authority has requested a sum of £116,159 EY&C places and £339,599 for primary places, index linked from April 2015 using the PUBSEC index. They state that the sum requested is calculated in accordance with a formula developed by ECC as stated in Essex Developers' Guide to Infrastructure Funding Contributions 2016 Edition. The formula has been upheld on appeal. Prior to the implementation of the revised Community Infrastructure Levy Regulations on the 6th April 2015 the County Council would have sought a developer contribution from this proposed development for additional secondary school places. However, the implementation of the revised Regulations now restrict the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five separate planning obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional secondary school places from this proposed development. This is because the scale of this development is relatively small and the impact on pupil places is limited. Seeking contributions from a number of small developments might, in the future, preclude the County Council from seeking a contribution from a larger development, should there already be 5 contributions allocated to a particular project to

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

9.0 Parish Council Response

- 9.1 The Parish Council have no objection to this application but have raised concerns about parking, road widths, density and style of housing and building heights.

10.0 Representations

10.1 9 letters of representation have been received and the comments made can be summarised as follows:

- Stanway is already overdeveloped
- The development is too dense
- The development will result in a loss of privacy (to adjacent dwellings)
- The development will add to traffic congestion
- No provision is being made for additional school place or open space
- The development will devalue existing properties
- The development will cause light pollution
- The development will adversely affect the setting of Streamlines, an Art Deco building of local note

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

11.0 Parking Provision

11.1 See paragraphs 15.41 – 15.44

12.0 Open Space Provisions

12.1 See paragraph 15.18 below

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was considered that the following Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 0.

- Affordable Housing - 20% (19 units).
- Education - £116,159 for 8.3 additional EY&C places and £339,599 for 28 primary places
- Community Facilities - Extension to the Lakelands community centre - £135,000
- Open Space - Strategic Open Space £328,000 + £73,332 for the off-site provision of a NEAP.

15.0 Report

The Proposal

- 15.1 Planning permission is sought for the erection of 93 dwellings comprising 19no. 2 bed units, 47no. 3 bed units, 25 no. 4 bed units and 2no. 5 bed units and associated landscaping, amenity space and infrastructure.

The Principle of Development

- 15.2 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is also reflected in guidance set out in the NPPF. The Council is in the fortunate position of having a suite of up-to-date and fully adopted Development Plan Documents, including a Core Strategy, Site Allocations and Proposals Maps and Development Plan Policies (DPD). The Council has also adopted a Supplementary Planning Document called Stanway Southern Slopes Access Guidance (2013).
- 15.3 The Council's Core Strategy provides the overarching policy direction for the local plan and for the delivery of development, infrastructure, facilities and services in Colchester to 2021 and 2023 for housing. Policy SD1 of the Core Strategy promotes sustainable development and identifies broad locations for growth. Five main locations are identified, including the Stanway Growth Area, of which the application site forms part. Policy SA STA1 of the adopted Site Allocation Plan identifies appropriate uses within the Stanway Growth Area. The application site is an identified greenfield site and is allocated for residential development. Policy SA STA2 states that development on greenfield sites is not expected to commence delivery until 2016.
- 15.4 Given the above, there is not an objection in principle to this site being developed for residential development. The proposal is in principle in conformity with the local plan.

Design

- 15.5 Core Strategy Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 7 of the NPPF establishes the importance the Government attaches to the design of the built environment, with paragraph 58 setting out relevant criteria. Paragraph 64 explicitly states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 15.6 The submitted Design and Access Statement explains that the proposed scheme has been designed to take account of the constraints and opportunities presented by the site, the creation of the Stanway Southern Sites Access Road and the desire for the development to create its own distinctive character. The northern part of the site is composed of a small group of two storey detached and semi-detached houses arranged around a cul-de-sac, with the retained trees acting as a backdrop to the new street scene. On the southern part of the site, the spine road and the public open space provide the setting for 2½ and 3 storey buildings. These buildings are arranged in short terraces and as semi-detached buildings to create a strong defined frontage to the spine road. The taller buildings also guide visitors into the site, using their scale to highlight the position of the entrance and the eastbound route of the spine road. Away from the spine road the buildings are 2 and 2.5 storeys in height and are generally

composed of semi-detached and detached units. The arrangement of these buildings has a looser organic character. With regard to the design of the proposed houses, the buildings adopt traditional forms with contemporary detailing.

- 15.7 The design and layout of the proposed development is considered to conform with the aforementioned development plan policies and the guidance set out in the NPPF.

Residential Amenity

- 15.8 Development plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.9 Objections have been made by local residents regarding the loss of private amenity to adjacent properties, most notable to The Burrows to the north west of the site and to Streamlines to the south of the site. Concern has also been raised regarding noise and disturbance from construction and additional residential traffic.
- 15.10 The Essex Design Guide considers that where properties are set parallel to one another a back- to- back of 25m is sufficient to protect private amenity. The Design Guide goes on to state that where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. With regard to the impact on light, the Essex Design Guide notes that the Building Research Establishment's Report Site Layout Planning for Daylight and Sunlight 1991 suggests that acceptable daylight in interiors is achieved if a 25° vertical angle from a point two metres above the floor is not obstructed.
- 15.11 Plot 6 and 7 are located adjacent to the west boundary of The Burrows, which is formed by an existing hedge. Plot 6 is located 23m from The Burrows and the rear elevation is set at an angle to this property. Whilst the relationship between these plots is not considered to infringe the above guidance, Taylor Wimpey has agreed to redesign this unit so that there are no first floor windows facing towards The Burrows thus removing the perception of overlooking. Plot 7 is located some 27m from the rear elevation of The Burrow and is again set at an angle to this property. The building is not considered to have an adverse impact of the private amenity of The Burrows. Plots 63-70 are set at 90 degrees to the north boundary of Streamlines and are (at their nearest point) some 12m from the boundary hedge and some 26m from the side elevation of Streamlines. The juxtaposition between the existing and proposed houses is not considered to conflict with the above guidance.
- 15.12 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

Landscape

- 15.13 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy DP1 requires new developments to respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Central Government guidance on conserving the natural environment is set out in section 11 of the NPPF.
- 15.14 The submitted Tree Survey and Arboricultural Impact Assessment provide details on the tree stock, which trees should be retained and how they should be protected. The Council's Tree Officers have reviewed these documents and has confirmed that he is in broad agreement with its conclusions.
- 15.15 The proposed development retains the main group of trees (to the north of the proposed spine road) and the majority of the trees and hedgerow to the field boundaries. The hedgerow to Dyers Road (that forms the southern boundary of the site) has been assessed as being an important hedgerow. To facilitate the construction of the access (and the associated sight lines) it is necessary to lose one category B tree and the hedgerow to the western boundary (Warren Lane).
- 15.16 The Council's Tree Officer and Landscape Officer have been involved throughout the evolution of the design of this scheme and their advice has been instrumental in shaping the layout of the development and the landscape features that have been retained and are being proposed.
- 15.17. The design and layout of the proposed development is considered to respect and enhance natural features that contribute to the character of the site and, as such, are considered to accord with the requirement of Policy DP1, ENV1 and the NPPF.

Open Space

- 15.18 Development Plan Policy DP16 states that new residential development should provide both private amenity space and public open space. DPP DP16 sets out a range of garden sizes which are as follows for houses:

- One or two bedroom houses – a minimum of 50m²
- 3 bedroom houses – a minimum of 60m²
- 4 bedroom houses – a minimum of 100m²

With regard to public open space, Policy DP 16 states that open space provision will depend on the location of the proposal but as a guideline, at least 10% of the gross site area should be provided as useable open space.

- 15.19 The garden sizes to the majority of the dwellings comply with the provision of DP16. The exceptions to this are units 89 to 91 (which range between 80 and 93sqm (as opposed to the required 100sqm) and the two flats over the garage buildings which have no private amenity space. The reason for the gardens to plots 89-90 being slightly smaller than the adopted standards is due to the constraints imposed by the alignment of the new spine road and the desire to ensure that this road is positively fronted by the new housing. In this instance, the need to create a high quality townscape setting for this development is considered to outweigh the normal requirement to strictly adhere to Policy DP16. With regard to flats over the garages, it

is not usual for this type of unit not to be provided with a private garden. The comments made by the Council's Urban Design Officer are noted in respect of the suggestion that these units are provided balconies. Should Members consider the provision of balconies to be appropriate then a condition could be attached accordingly.

- 15.20 With regard to public open space, the proposed development incorporates public open space amounting to 0.7 hectares. This equates to around 15.99% of the total site area and therefore exceeds the minimum 10% requirement specified within Policy DP16. A further 0.2 hectares of incidental landscaping is proposed across the site. The comments made regarding the play facilities on site are noted. Indeed the possibility of providing a LEAP on site has been explored with the applicant. It has not however been possible to provide a play area on site that would comply with the minimum distance from the proposed residential unit. For this reason, a commuted sum has been sort for the off-site provision of a LEAP (improvement to an existing play facility) (together will a financial contribution towards strategic sports and recreational facilities). The proposed development is considered to fully mitigate its impact in terms of play, recreation and open space provision.
- 15.21 For the reasons given above, it is considered that this development is acceptable in terms of the policy requirement for the provision of private amenity space, public open space and play and recreation provision.

Ecology and Biodiversity

- 15.22 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Development Plan Policy DP21 seeks to conserve or enhance biodiversity.
- 15.23 No statutory designated sites occur within the site or adjacent to it; one non statutory site (Stanway Pits) is situated c. 120m from the site. Natural England has confirmed that the site does not affect a designated site.
- 15.24 The application is supported by an Ecological Report, which includes extended surveys for bats, reptiles, badgers, birds and invertebrates. This report explains that hedgerows and tree lines along the boundaries are likely to hold significant ecological value in their local context and provide opportunities for a range of wildlife including reptiles, bats and potentially nesting birds. The report notes that some of the existing mature trees and hedgerows are to be removed to facilitate access into the site and states that it will be important that the detailed landscape scheme includes mitigation proposals to compensate for the loss habitat through the provision of compensatory habitat creation that is equal to or greater value, elsewhere on site.
- 15.25 It is clear from the ecological survey work that the site (or more particularly the boundary margins) has high ecological significance in the local context. The layout of the proposed development has been informed by the ecological work and there is the potential for development to mitigate and enhance the ecological and biodiversity of the site.
- 15.26 The current planning application is considered to accord with CS ENV1, DPD Policies DP1 and DP21 and paragraph 118 of the Framework which requires planning application to conserve or enhance biodiversity interest

Archaeology and Heritage

- 15.27 This application is supported by a Desk Based Archaeological Assessment prepared by CgMs Consulting. The Report states that the Site can be defined as containing no designated archaeological heritage assets of national importance.
- 15.28 The Council's Archaeological Officer has advised that the application site is located in an area of high archaeological importance and that there is high potential for encountering below-ground archaeological remains. The archaeological officer states that the area has not been the subject of any previous systematic archaeological investigation and that the full archaeological implications of this site need to be established prior to the application being determined. These accords with the advice as set out in the NPPF which requires the Local Planning Authority to take into account the particular nature and the significance of any belowground heritage assets at this location.
- 15.29 In light of the above, the applicant's archaeological consultant has discussed and agreed the scope of the additional archaeological survey work required. This additional survey work is currently being undertaken and the results are expected prior to the committee meeting.
- 15.30 The comments made about the heritage importance of Streamlines are fully appreciated. Streamlines is not a designated heritage asset (i.e. it is not a listed building); it can however be classed as a non-designated heritage asset (i.e. it is of local architectural or historic interest. In respect of non-designated heritage assets, the NPPF states:
- 15.31 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 15.32 Streamlines is a pleasant building designed in an Art Deco style. The building is set in comparatively extensive grounds and benefits from a wider open countryside setting. It is considered that the significance of Streamlines stems from the architectural design of the building rather than its wider landscape setting. The proposed development will not have a direct impact on Streamlines (i.e. it will not result in the physical alteration of the building). With regarding to the setting of Streamlines, it is accepted that the current open semi-rural will change as a consequence of this site being redeveloped. It is however important to remember that this site is allocated for residential development and therefore there can be no objection in principle to the current proposal. In this context, it is not considered the scale and form of the proposed development is so significantly harmful to the setting of Streamlines to justify the application being refused.
- 15.33 Subject to the outcome of the additional archaeological survey work, it is considered that there is no significant conflict with the intentions of the development plan or the NPPF in respect of heritage assets.

Transport and Accessibility

- 15.34 Core Strategy Policies TA1 – TA4 seeks to improve accessibility and change travel behaviour. Policy STA4 of the Site Allocations document states that all new developments in the SGA will be expected to contribute to sustainable transport measures. Development Plan Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraphs 29 to 41 of the NPPF provide guidance on transportation matters; the NPPF states that planning applications should only be refused on transport grounds where the development would have a severe impact. Development Brief for Stanway Southern Sites Access is also a material consideration. The Brief seeks to provide a coordinated and comprehensive approach to the access arrangements within the Stanway Growth Area.
- 15.35 The majority of the site will be served from the existing roundabout in Warren Lane, which will be remodelled to accommodate the new arm. It is proposed that the spine road will initially be a cul-de-sac with a temporary turning head at the eastern site boundary, to accommodate the turning movements of refuse and emergency vehicles. In the fullness of time, it is intended that the spine road will continue on through the Stanway Growth Area to the Fiveways junction. The route of the proposed spine road accords with the principles set out in the adopted Brief. It is proposed that some the houses (within the application site) will take direct access from the new spine road; others will be served roads and drives that spur off the spine road. The spine road is designed as bus route and bus stop locations are indicated on the layout plan.
- 15.36 The small group of ten houses at the northern end of the site are served by a simple priority junction that re-uses the existing point of access. The route of the existing driveway will be retained to link the northern part of the site to the main body of the development via an area of public open space.
- 15.37 In terms of pedestrian and cycle access, the development fully integrates with the existing highway network on Warren Lane. On the north side of the proposed spine road a combined pedestrian / cycle route is proposed. An access point is also proposed for pedestrian and cyclist (only) onto Dyers Road. The pedestrian and cycle links will provide opportunities for the residents to walk and cycle to local facilities.
- 15.38 To help encourage modes of transport other than the private car, it is proposed that Residential Travel Information Pack to all new residents. This is to be secured by condition.

- 15.39 The concern expressed by local residents in respect that the impact that this development will have on the surrounding roads are appreciated. The responsible authorities: Highway England (responsible for the strategic road network) and the Highway Authority (responsible for the local highway network) have not raised an objection to this application on the grounds of highway safety or capacity. The local Highway Authority has requested a number of minor amendments to the layout of the proposed which have been undertaken by the developer. A formal consultation response from the Highway Authority is expected prior to the committee meeting.
- 15.40 Given the above, it is considered that the proposed development accords with relevant development plan policies and national planning policy guidance set out in the Framework.

Parking

- 15.41 Policy TA5 of the Core Strategy 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 plan policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.42 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this provision visitor parking at a ratio of 0.25 spaces per unit is required. In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided.
- 15.43 Each property is provided with a minimum of two allocated parking spaces through a combination of garages, private driveway and/or parking courts. In addition to the private parking spaces 23 visitor car parking spaces are also provided. Each house is provided with a secure cycle parking either within a garage (policy compliant in terms of its internal dimension) or within garden sheds.
- 15.44 The proposed parking provision is considered to accord with the requirements of Policy DP19 and the adopted parking standards.

Hydrology and Drainage

- 15.45 Core Strategy policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. Development policy DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.

- 15.46 The supporting Flood Risk Assessment and Drainage Strategy prepared by WSP confirm that the Site falls within Flood Zone 1 and is at minimal risk from surface water flooding. The Report demonstrates that there have also been no instances of historical flooding at the site and concludes that the site will be at low risk of flooding from all sources following implementation of the sustainable drainage strategy and identified mitigation measures.
- 15.47 The development proposal has been subject to pre application discussion with the relevant drainage and flood authorities. An integral part of the proposal is to provide a flood attenuation feature in the southern part of the site and has been sited to take advantage of the natural topography of the land.
- 15.48 Lead Local Flood Authority has advised that the proposed surface water drainage scheme demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere and that scheme will be able to use infiltration SuDS and ponds and control the current surface water run-off discharged from the site. Anglian Water has advised that the foul drainage from this development is in the catchment of Colchester Water Recycling Centre and that there is capacity to accommodate flows from this development. Anglian Water that there is a feasible mitigation solution to ensure that the development does not have an adverse impact..
- 15.49 The submitted evidence indicates that there are effective mitigation measures to avoid any increase in flood risk and, as such, the development will not conflict with the intentions of the development plan or the Framework in respect of flood risk

Air Quality

- 15.50 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that "The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character." The adopted Colchester Borough Council - Air Quality guidance note is a material consideration.
- 15.51 A qualitative assessment of the potential impacts on local air quality from construction activities has been carried out for the proposed development. This assessment states that the development is considered to be a Medium to Low Risk site for dust deposition and that the effects of emissions to air from construction vehicles and plant on local air quality is Low to Negligible Risk Site. The report goes on to state that through good site practice and the implementation of suitable mitigation measures, the effect of dust and emissions from construction vehicles can be significantly reduced so that the effects are insignificant. / negligible. The Environmental Protection has not raised any issues with the submitted air quality report.
- 15.52 It is considered that the proposed development is consistent with the requirements of the Council's adopted development plan policies, supplementary planning guidance and the Framework as regards to air quality impacts

Contamination

- 15.53 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 15.54 The desk top based contamination report accompanying this application concludes that there is potential for the site to contain contamination and on this basis recommends that further investigation work is undertaken. The Council's Contamination Land Officer agrees with the conclusions of the submitted report and has recommended conditions to provide a framework for further assessment, and remediation works.

S106 Obligations

- 15.55 Policy SD2 of Colchester's Core Strategy provides that new development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. This policy goes on to state that the Council will seek to employ standard charges where appropriate to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. The viability of developments will also be considered when determining the extent and priority of development contributions. Further policies on specific topic areas are provided within the Core Strategy and the Development Plan Policies (for example on affordable housing, health, community facilities and open space etc.).
- 15.56 The Framework provides guidance on when planning obligations should be used. Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 15.57 The Council's Development Team considers all major planning applications submitted to this Council and makes recommendations in respect of priorities for s106 obligations. The Development Team considered this application in January 2016 considered that the following obligations were required to mitigate the impact of this development proposal:
- Affordable Housing - 20% of units (19 comprising 1 x 2 bed FOG apartments (Type PT21)– Affordable Rent; 10 x 2 bed houses – 8 x AR and 2 x Shared Ownership; 8 x 3 bed houses– 6 x Affordable Rent and 2 x Shared Ownership
 - Education - £116,159 for 8.3 additional EY&C places and £339,599 for 28 primary places
 - Community Facilities - Extension to the Lakelands community centre - £135,000
 - Open Space - Strategic sport and recreation facilities £328,000 (improvements and maintenance of the Stanway Country Park) and £73,332 for the off-site provision of a NEAP (improvement of the existing play area at Swift Avenue). The

on-site open space is to be maintained by a management company. The open space is to be available in perpetuity for free public use.

15.58 The applicant has been advised of the above obligations and has not raised an objection to them.

15.59 In addition to the planning obligations requested by the Development Team, it is also recommended that there is an obligation requiring the construction of the spine road in a timely manner and that this road is continued to the site boundary to ensure that the adjacent development site is not held to ransom.

16.0 Conclusion

16.1 The current application will deliver 93 residential units and provide a choice of housing types with a range of prices in a sustainable location. The development will contribute positively towards the Borough's supply of housing. There would be economic benefits as a result of construction activity and the possible creation of additional jobs. There is sufficient evidence to be confident that overall the development would not cause significant harm to ecology, flood risk, air quality or would not have a severe impact upon the highway network; in terms of capacity or safety.

16.2 The Framework has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. It is considered that the benefits of the scheme significantly outweigh by any adverse impacts and, as such, Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions heads and the signing of the s106 agreement

17.0 Recommendation

17.1 It is recommended that, subject to the Council's Archaeological Officer and the Highway Authority not raising any objection (that cannot be resolved by a condition), the Head of Commercial Services is authorised to enter into and complete 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 the following:

- Affordable Housing - 20% (19 units – units are to reflect the private sale mix or such other mix as agreed by the Council's Housing Development Officer).
- Education - £116,159 for 8.3 additional EY&C places and £339,599 for 28 primary places
- Community Facilities - Extension to the Lakelands community centre - £135,000
- Open Space - Strategic sport and recreation facilities £328,000 (improvements and maintenance of the Stanway Country Park) and £73,332 for the off-site provision of a NEAP (improvement of the existing play area at Swift Avenue).
- On-site open space to be maintained by a management company. The open space is to be available for free public use in perpetuity.
- The timely delivery of the spine road to the site boundary
- All sums to be index linked

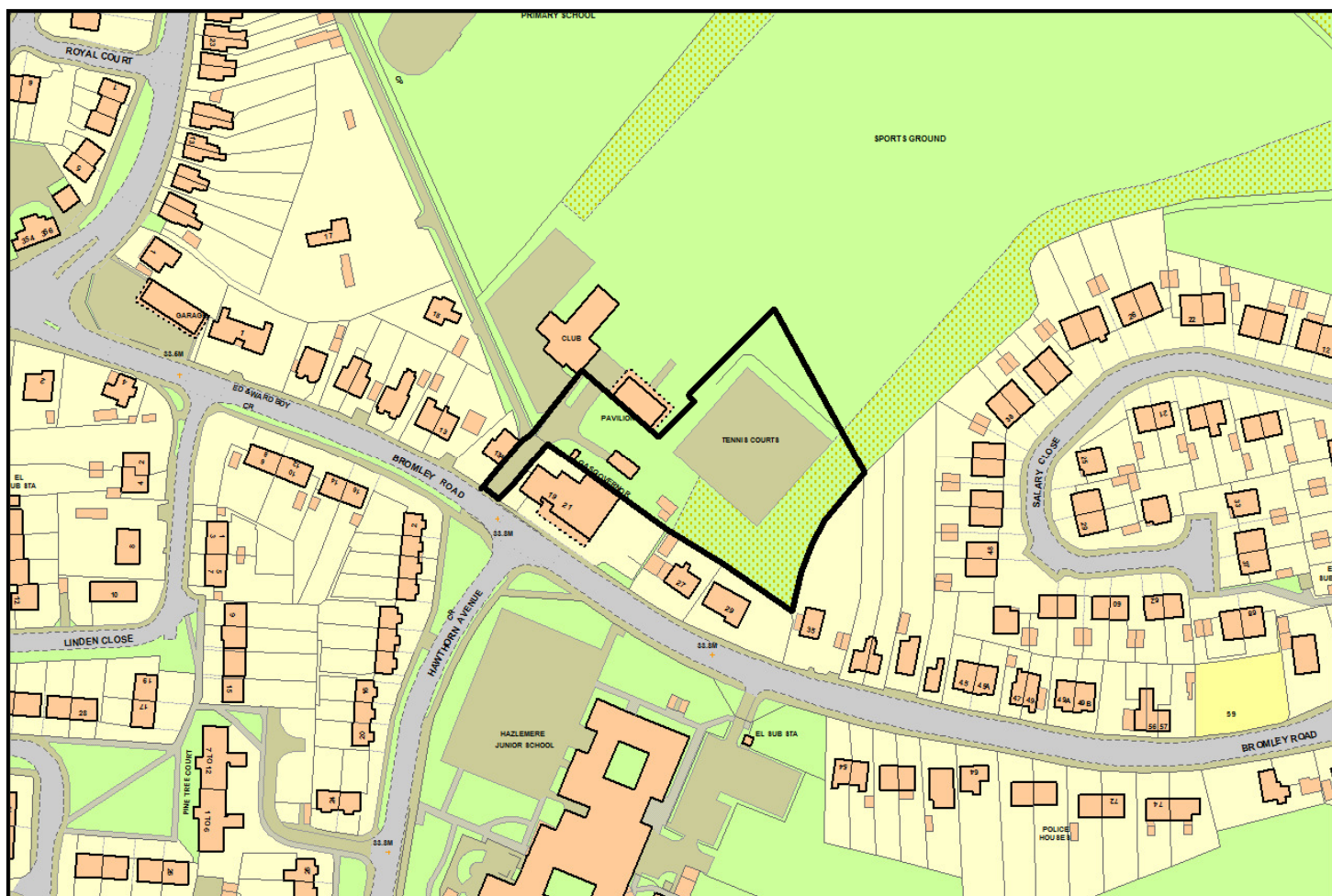
- 17.2 In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Head of Commercial is authorised at his discretion to refuse the application.
- 17.3 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions heads:
- Time Limit for Full Permissions (standard)
 - Development to Accord With Approved Plans (standard)
 - Site Levels
 - Drainage (as recommended by the LLFA)
 - Flooding (as recommended by the Anglian Water)
 - Materials Shown on Plan to be Excluded (standard)
 - Architectural Details to be agreed
 - Boundary walls to be constructed of brick
 - Tree Protection and Monitoring (standard)
 - Landscape Proposals (standard)
 - Landscape Management Plan (standard)
 - Ecology Mitigation and Enhancement (non-standard)
 - No occupation until roundabout has been completed (non-standard)
 - Estate Carriageway Construction (standard)
 - Car parking spaces to be retained
 - Travel Plan (standard)
 - Cycle Parking (non-standard)
 - Construction Method Statement (non-standard)
 - Contamination (standard)
 - Removal of PD Rights for extensions

18.0 Informatives

- (1) 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) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. ****This is of critical importance****. If you do not comply with the condition precedent you may invalidate this permission. ****Please pay particular attention to these requirements****.

19.0 Positivity Statement

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



Application No: 160224

Location: Gas Rec Football Club, Colchester Sports And Social Club, Bromley Road, Colchester, CO4 3JF

Scale (approx): 1:1250

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7.2 Case Officer: Alistair Day

Due Date: 05/05/2016

MAJOR

Site: Colchester Sports and Social Club, Bromley Road, Colchester, CO4 3JF

Application No: 160224

Date Received: 4 February 2016

Agent: Miss Libby Hindle, Boyers

Applicant: Dishland Ltd

Development: Erection of 12 no. dwellinghouses with associated parking and improvements to existing access.

Ward: St Annes

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement and subject to the Council's Arboricultural Officer not raising an objection and Sport England removing their holding objection

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because:
- Objections have been received to this development proposal; and
 - A s106 agreement is required.

2.0 Synopsis

- 2.1 This report considers the merits of a proposal to develop 12 dwellings on land that is outside the settlement boundary and currently allocated as private open space. The report considers all relevant material considerations including potential conflict with the development plan and the NPPF. The report concludes that the benefits of securing 'public' access and ownership of a significant area of open space, including at least two playing pitches, outweighs the disbenefit associated with a reduction in overall open space. This is on the basis that the site is currently privately controlled and the public's ability to access and use it can at present be restricted by the owners' discretion.

3.0 Site Description and Context

- 3.1 The application site is located in the north east corner of the Bromley Road Sports Ground. The application site measures some 0.54 ha and consists of a practice pitch, areas of hard standing with rough grass land, and trees.

- 3.2 The main body of the Bromley Road Sports Ground (i.e. excluding the application site) covers an area of approximately 3.74 hectares. This part of the sport ground provides two full-size football pitches, a pavilion with changing facilities, and areas of rough grass; shelter belt planting surrounds the playing pitches. The Bromley Road Sports Ground is served by an existing access on Bromley Road. A PRoW (a restricted by-way, in this case numbered 127_243) runs up the existing site access and swings north-westwards behind properties that front onto Parsons Heath and Bromley Road; effectively providing a short-cut behind the houses that hug the bend formed by these roads.
- 3.3 A dental surgery shares the same access from Bromley Road with the existing sports facilities on the application site. Welsh Wood forms part of the north east boundary to the site with existing residential uses to the north-west and south east. Bromley Road Neighbourhood Centre is located to the south west of the site and contains small-scale retail and commercial uses. Further residential dwellings are located beyond. Roach Vale Primary School is located to the north west of the site and Hazelmere County Infant School and nursery is to the south.

4.0 Description of the Proposal

- 4.1 The application seeks full planning permission for the erection of 12 no. dwelling houses on a practice pitch at the sports ground site. It is proposed that the existing pavilion, football pitches and the rest of the open space will be retained and ownership transferred to Colchester Borough Council as a means of securing the long term provision of sport facilities at this site. This means that what was a 'private' open space will (if permission is granted) now become an area of 'public' open space accessible to the wider community.
- 4.2 The existing access from Bromley Road will serve the 12no. dwelling houses and will continue to serve both the dental surgery and the sports ground. The development includes the extension and widening of this existing access to provide a 5.8m wide access for both the proposed development and existing sports ground.

5.0 Land Use Allocation

- 5.1 Private Open Space

6.0 Relevant Planning History

- 6.1 140364 Outline for demolition of 2 bungalows and provision of 50 dwellings to include affordable housing Refused. Appeal dismissed
- 6.2 130036 Change of use of the remaining part of the social club to a dental surgery – Allowed
- 6.3 101540 Change the use of part of the former social club (which abuts the application site) to a dental surgery – Allowed
- 6.4 O/COL/04/1792 - Extension of changing rooms and provision of a Multi-Use Sports Court with associated car parking. Refused

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - 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
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP1 Design and Amenity
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP4 Community Facilities
 - DP12 Dwelling Standards
 - DP15 Retention of Open Space and Indoor Sports Facilities
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP19 Parking Standards
 - DP20 Flood Risk and Management of Surface Water Drainage
 - DP21 Nature Conservation and Protected Lanes
- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:
- SA H1 Housing Allocations

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

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

8.0 Consultations

Spatial Planning Team response

- 8.1 This site is currently allocated as private open space and lies outside but adjacent to the Colchester settlement development boundary. There are football pitches and a sports pavilion with changing facilities on the site which are well used.
- 8.2 The Development Plan consists of the Adopted Core Strategy, Site Allocations and Development Policies DPDs. In accordance with policies SD1 (Sustainable Development Locations), H1 (Housing Delivery) and ENV1 (Environment) development within the Borough is directed to sites within existing settlement development boundaries. The Bromley Road sports ground is located outside of Colchester's settlement development boundary and therefore exceptional circumstances have to be demonstrated to justify over-riding these established planning policies.
- 8.3 The site is also allocated as private open space. Policy DP15 (Retention of Open Space and Indoor Sports Facilities) states that development of any existing or proposed public or private open space will not be supported unless it can be demonstrated that:
- alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users;
 - the proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general; and
 - it achieves the aims of the Colchester Parks and Green Spaces Strategy.

All three criteria must be met for a proposal to be considered compliant with policy DP15. In this instance this would appear to be the case.

- 8.4 The proposal to retain existing football pitches is welcomed as it recognises that, at present, the sport pitches have an uncertain future because of the private nature of the ownership and usage by the football club could be withdrawn at any time. The proposed development has been promoted as a means of securing the long-term provision of sport facilities at this site. Whilst the application, if approved, would result in the loss of the existing training pitch, the application indicates the potential to provide additional pitches. This needs to be demonstrated to be feasible.
- 8.5 The application includes the proposal to transfer the existing pavilion, football pitches and open space to Colchester Borough Council. This will enable their future to be secured.
- 8.6 The Townscape Character Assessment (TCA) comments that this character area contains interconnected areas of green space and the land use, culture and vitality of the character area is predominantly a quiet residential suburb overlooking a swathe of greenspace at the centre. The site and its connections to adjacent areas of open space, particularly Welsh Wood, is an important part of the character of the area. The proposed development retains the majority of site as open space and secures the character described above.
- 8.8 Two relevant aims of the Colchester Parks and Green Spaces Strategy are to improve the quality of existing parks and green spaces and engage with the local community and Parish Councils on proposals which change the use of or significantly alter the appearance of parks and open spaces. As explained above this proposal will secure the use of the playing fields and open space and has the support of local Ward Councillors and therefore accords with the Strategy.
- 8.9 The area allocated for the pavilion extension is welcomed as it is recognised that the existing facilities are spartan and restrict opportunities for increased community participation. It is considered that there is a need for additional community sports facilities in the area as demonstrated by the demands on existing facilities.

Conclusion

- 8.10 The Bromley Road Sports Ground is located outside of Colchester's settlement development boundary and therefore exceptional circumstances have to be demonstrated to justify over-riding established planning policies. Although the Council currently has more than a 5 year supply of housing sites, a new local plan is under production and additional sites will be required.
- 8.11 A previous larger scheme on the site was refused for a number of reasons which this application seeks to address. The National Planning Policy Framework contains a presumption in favour of sustainable development and seeks to boost housing supply. This application will deliver an additional 12 residential units to boost the housing supply. The development will have minimal impact on the character and appearance of the area with the majority of the green space being retained. It is intended to transfer ownership of the land and pavilion to the Council which will ensure their future use for the community. This should be secured through a planning obligation.

- 8.12 On balance therefore the retention of the open space and sport/community use is considered to outweigh the fact that the site is just outside the settlement boundary. It is therefore recommended that the application be approved subject to the agreement to transfer the land and building, demonstration that two pitches can be accommodated, and that adequate access rights exist.

Community Development Manager

- 8.13 The proposal to retain existing football pitches is welcomed as it recognises that the current users have an established use with the opportunity to develop youth and women's football. The existing sport pitches have an uncertain future in respect of the football club's current insecure use arrangements and the proposed development has been promoted as a means of securing the long-term provision of sport facilities at this site. The proposals include the relocation of the 2 existing adult pitches as part of the development which is noted and welcomed as there is no additional funding being proposed associated with the development to fund any landscaping or pitch enhancement works.
- 8.14 The indication of additional practice pitches is noted. Whilst the loss of the existing training pitch is regrettable the application indicates the potential to provide additional pitches. Practice pitches are shown on land that has not been in sports use for some time. This area of land may require significant modification to be able to deliver those facilities and these facilities should therefore be considered provisional.
- 8.15 An area for car parking by pitch users is identified which again is welcomed as usage of the pitches will generate some traffic movements. Car park capacity of 42 spaces will be adequate for 2 pitches in use at one time assuming it is used by players only and not by other opportunist car owners. Construction of the car park does not form part of the application and will be subject to discussions between the Council and site users.
- 8.16 The area allocated for the pavilion extension is welcomed as it is recognised that the existing facilities are sparse and limit the opportunity for increased community participation. It is considered that there is a need for additional community facilities in the area as demonstrated by the demands on existing facilities.

Highway Authority

- 8.17 The Highway Authority has advised that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

Prior to commencement of the development a construction management plan, to include but shall not be limited to details of wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

No occupation of the development shall take place until improvements to the site access off Bromley Road as shown in principle on planning application drawing number C82858-SK-212 have been provided or completed. Improvements shall include delineation of the Public Right of Way (details shall be agreed with the Local Planning Authority prior to commencement of the development)

Landscape Officer

- 8.18 The Council's Landscape Planning Officer rightly points out that Welsh Wood and the rural landscape beyond falls within Character Area 6 of the Colchester Borough Landscape Character Assessment where there is a strategic objective to conserve and enhance the landscape within this character area. He comments that if the planning view is that the proposed playing pitches are acceptable in this regard then a series of technical requirements will need to be met. He also points out that the wider playing fields form a key element in the local landscape contributing to the green link to Welsh Wood. He also suggests that some of the adjacent new residential units be redesigned to extend passive surveillance of the playing field and that a line of new trees be planted between the adjacent new dwellings and the closest pitch to provide enclosure to the open space. That said, he believes that if planning permission is granted the landscape proposals can be agreed in principal at this stage and finessed through the submission of additional detail by condition.
- 8.19 *Officer comment: Whilst the Landscape Planning Officer's comments are noted in respect of the quality of the existing landscape hereabouts, the proposal is not considered to harm that character because the nature and character of the space closest to Welsh Wood will not materially alter even with the extension of the pitch area. Sufficient land will exist between the most north-eastern pitch and the belt of existing trees on the site boundary for additional planting at a later date if this proves desirable. Whilst it may be possible to re-orientate the proposed dwelling to plots 5 & 6 by turning them through 190 degrees this may result in a discordant appearance. It would be possible to add additional windows at upper levels to enhance surveillance and this would certainly be true towards the proposed car park. Having properties facing onto the playing fields will bring its own amenity issues in so far as it is desirable to provide suitable noise attenuation along the boundary and this would probably be best served by a 2m high wall. It would not be particularly desirable to have the fronts of buildings close to such a wall whereas the current orientation allows such walls to frame rear gardens rather than windows serving habitable rooms.*

Tree Officer

- 8.20 The Tree Officer has advised that the Tree Report needs to be updated to include all trees affected by the proposed development.

Environmental Protection

8.21 No objection is raised but two conditions are suggested in the event of planning permission being granted:-

- Limits to Hours of Work
- Limits to Hours of Construction Deliveries/Worker Traffic
- NOTE: Demolition and Construction

Officer comment: These are considered appropriate in view of the close proximity of existing residential premises in order to safeguard reasonable amenity through the avoidance of disturbance during unsocial times.

Contamination

8.22 The submitted report is the same report as that submitted for development proposals which have now been superseded (140364). However, based on the information provided in the 2013 report, it would appear that any contamination present would not preclude development and that the updated 'Phase 1' risk assessment, intrusive investigations and (where necessary) remediation and validation could be dealt with by way of condition. Consequently, should permission be granted for this development, Environmental Protection would recommend inclusion of the model contamination conditions. Environmental Protection note that proposals involves the demolition of buildings and recommend that an appropriate asbestos survey be undertaken and acted upon where necessary.

Officer comment: The suggested conditions are considered reasonable and appropriate.

Natural England (N.E.)

8.23 N.E. formally states that it "has no comments to make" on the basis that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Anglian Water

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

8.25 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

- 8.26 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable.

We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Sports England

- 8.27 Sport England supports the principle of this application but there is inadequate compensation for the loss of a mini pitch and a lack of information to demonstrate secured and deliverable adult pitch relocation meaning the application as currently presented does not meet NPPF Par. 74 or our policy exception E4. Sport England therefore raises a **holding objection** to this application
- 8.28 In Sport England's opinion the losses and gains are as follows:
- Loss of a mini pitch for which there is no compensation
 - Loss of part of a full size football pitch for which there is no secure compensation. This is proposed to be addressed through the relocation of the two large football pitches further up the site. No information has been provided as to whether the scrub land at the north east end of the site is suitable for pitch provision or what works are required to construct the re-positioned pitches or indeed who is responsible for under taking this work and when it will be done?
 - There might be space left for car parking, a clubhouse extension and provision of mini pitches but this space already exists and no means of delivery is being provided through the scheme.
 - The residual playing field site will be transferred to the Council
- 8.29 It would appear therefore that no secured deliverable compensation for the loss of playing fields as a direct result of the planning application, other than transferring the remaining site to the Borough Council? At pre-application stage Sport England advised that compensation for the loss of the mini pitch and secured informed delivery of adult pitch relocation would be a necessary pre-requisite of any housing scheme to demonstrate that the capacity of the site for pitch provision would not be reduced despite the loss in area. This does not appear to be part of the scheme. In addition housing will be located closer to the football pitches and there is an increased risk of ball damage/noise nuisance which needs to be addressed in term of physical design/ball fencing etc.
- 8.30 Whilst the transfer of the site to the Council is very welcome, as it secures access to the site for the club, the delivery of necessary site improvements will be left for the Council to fund/secure.

8.31 Whilst Sport England could support the principle of the scheme as it offers potential to secure the site for community sport and activities, it is not satisfied that there are sufficient measures proposed and secured through the application to address the loss of playing field to be compliant with NPPF Par 74 and our policy to protect playing field (specifically Exception E4). We therefore strongly recommend the following elements are either addressed prior to the application being determined or the proposed conditions/S106 clauses are included in any planning permission and associated S106 agreement:

- Compensation for the loss of the mini pitch – either through the direct provision of a mini pitch on site (as illustrated on the submitted plans) or through a contribution of £20,000 to the Council towards the upgrading of the site.
- A grounds assessment is undertaken to establish if and what measures need to be undertaken to ensure the two full size pitches can and will be re-positioned, will be fit for purpose and delivered prior to the commencement of development (with the aim of providing continuity of access – works would need to be undertaken out of season and temporary pitches provided for the club(s) whilst pitches were under construction/maturing.
- Provision of ball protection measures in the design and layout to ensure residential units are adequately protected and the use of the playing field for sport will not be constrained by potential nuisance to adjacent residential use.

In coming to this view Sport England has consulted the Football Association

Officer comment: *The scheme has been kept to the minimum number of units to enable the land transfer of the land to the Council only. The landowner will be responsible for funding the repositioning the two adult football pitches. If compensation is required for the mini-pitch additional housing will be required and this is likely to have implications for retaining the two adult pitches. Other comments raised by Sport England are set out in the report.*

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

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 The objections to this application can be summarised as follows:

- The site is outside the settlement boundary and the area is designated as open space and recreational use
- The applicant states that the housing would be sited on land that is underused and lies partly vacant; this area could be used for other recreational use. The proposed housing would mean that the land will be lost for its intended purpose. The playing fields should be protected by a Deed of Dedication should the application be approved. There will need to be significant investment for maintenance of the land

and the building; at some point in the future the Council may be under pressure to sell the land.

- The area is already built-up enough
- Access to the site is poor. There are problems with traffic congestion and parking at school opening and closing times; these problems will be exasperated by this development.
- The development will result in an increase in traffic
- The access road is a restricted byway which is a Public Right of Way. No mention of this PRow is made by the applicant. No opportunities to provide better facilities have been sought by the applicant. No links to Byway 243 or FP 232 have been sought by the applicant or CBC. This application conflicts with Para 75 of the NPPF.
- The development will devalue property prices.
- The properties have windows overlooking the rear of existing houses and their back garden. The design appears to put the rear elevations of these new properties within 5-7 metres of the boundary of 35 Bromley Road.
- There will also be a loss of natural habitat and stop the movement of wildlife.

10.2 General Comment

- The trees need urgent work and this should be undertaken as a part of any planning approval

10.3 Representations of Support can be summarised as follows:

- This application has a chance of ensuring the majority of this land will stay as usable space for the community. If this application fails, there is a good chance that this currently privately owned land will be locked up and left to go wild with the public having no access at all.
- This proposal will allow the opportunity to extend the current facility – i.e. a new club house, car park and training facility (subject grants etc.)
- The sport field and club has gone from a vibrant sports club to one that is far less used; in more recent times the land has been occupied by travellers who have left rubbish and waste; the proposal will safeguard against this.
- This looks like a nice small development which would allow the football club to remain using it on council owned land.
- 12 houses will not have much effect on the surrounding area

Cllr B Cook

- 10.4 My only comment is to wonder if there will be level ground for the 2nd pitch to be played on as the ground slopes considerably in that area? The applicant has moved the pitches back on the plan a considerable distance to allow room for the 12 houses to be built.

Cllr Mike Hogg has made the following comments for and on behalf of Helen Chuah & Barrie Cook JP

- 10.5 The submission of this application is the culmination of what has been a long and tortuous journey over many years, over that time it has always been our remit to keep the big picture in mind to bring about maximum community benefit.

- 10.6 To this end we have consulted, listen to and met with all parties involved in the future of the Gas Rec. Consultation with St Anne's residents on the previous application for 50 dwellings resulted in 82 percent against allowing permission. The application was successfully dismissed.
- 10.7 We now find ourselves having to make a judgment on what will be to the long term benefit to the St Anne's residents. To this end we have concluded that the application should be allowed, even though there are objections personal to those individuals submitting them which we acknowledge and understand.
- 10.8 The securing of the land into the Council's ownership and protecting the open space against future development is paramount. With the planning permission comes security of tenure for the football club and its members bringing with it stability and investment not available at the present time. With CBC as landlord with a lease arrangement in place the club will be eligible for funding to provide a range of broadly based community activities across the age spectrum.
- 10.9 The continuing vandalism and occupation of the site by the traveling community has taken its toll over many years both in practical and financial terms, this will cease with access being permanently denied by a secure site.
- 10.10 The entrance on to the site from Bromley Road across an ancient highway, with numerous rights of way has made it a difficult access to both repair and maintain, the developer in carrying out the work to bring it up to an acceptable standard would be bringing about much needed improvements .
- 10.11 We believe that the application should be supported, provided that all necessary legal requirements on transfer of the land to CBC are met and the submitted application meets with the planning regulations and the application is to the satisfaction and requirements of Sport England to provide adequate pitch facilities so as to make it a viable facility for The club and wider community.

Cllr Gamble

- 10.12 Along with Cllr Paul Smith I represent the other adjacent ward of St John's. I have been involved in a number of meetings relating to this site and I concur with the St. Anne's Councillors that providing the ownership of the land is transferred to CBC by legal agreement, and subject to the agreement of Sport England, that approval of this application is the best opportunity of securing the future of the football club, and also protecting the long-term interests of surrounding residents.
- 10.13 It would be my view that approval of this application would not have any significant impact on those residents who have enjoyed rights on to the adjacent Ancient Highway, and would continue to enjoy such rights, and the pedestrians who traverse it. This is of course subject to confirmation from ECC as a statutory consultee that highway safety requirements are met.

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

11.0 Parking Provision

11.1 The development comprises 12 new dwellings as follows

2x 2 bed
4 x 3 bed
6 x 4 bed

On this basis car parking provision necessary to meet the Council's Adopted Minimum Standard will be $12 \times 2.25 = 27$. The proposal includes 29 spaces (4 in laybys).

This satisfactorily meets the Council's residential standard

12.0 Open Space Provisions

12.1 Within the scheme is an area of open space measuring approximately 425sq.m. drawn from an area of retained trees. Whilst this space does not represent usable/functional open space it will provide valuable 'greening' and a visual openness to the approach road all of which will enhance the character of the proposed development. The area satisfies the normal policy requirement of 10% open space/strategic landscaping. Every unit has its own garden and easy access to the adjacent large area of playing field. This borrowed amenity is acceptable in view of the fact that the development only comprises 12 units. A development of this size would not generate a need for a formal play area.

13.0 Air Quality

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

14.0 Public Rights of Way (PRoW)

14.1 It is noted that Mr Robert Johnstone has objected to the proposal on the basis that:-

Para 75 of the NPPF states:-

Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails

The access road is in fact a restricted byway which is a Public Right of Way.

No mention of this PRoW is made by the applicant, and opportunities have been sought by the applicant to improve the facility

No links to Byway 243 or FP 232 have been sought by the applicant.

This application is against the NPPF.

- 14.2 This report makes several references to restricted by-way 127_243 and officers are aware of the Government advice contained in paragraph 75 of the NPPF.
- 14.3 It is not possible to make better connections to by-way 243 and footpath 232 through the application site because the primary school and residential properties in Roach vale effectively cut the application site off from access to FP 232. Connection to by-way 243 can be secured directly from the access to the playing field.
- 14.4 Members are advised that the application was advertised by Commercial Services as affecting PRow 127_243 in the local paper as required and therefore it has satisfied its Statutory Duty in this regard
- 14.5 Improvement to by-way 243 may be possible as part of the works associated with accessing the site although as the image below shows the entire area between the Bromley Road.

15.0 Development Team and Planning Obligations

- 15.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. The Development Team accepted that the proposal essential constituted “enabling development” and that the proposed residential development would secure the long term provision of sport provision at this site by the transfer of the club house, grass pitches and ancillary land to the Council.

16.0 Report

Principle of the Development

- 16.1 Core Strategy Policy SD1 seeks to promote sustainable development with growth directed to the most accessible and sustainable locations in accordance with the listed settlement hierarchy. Among other things, policy ENV1 seeks to protect, and where possible enhance, unallocated greenfield land outside settlement boundaries. Policy H1 directs most housing developments to the regeneration areas in Colchester Town, with other allocations made through the SADPD. The site lies outside the defined settlement development boundary for Colchester and is allocated on the Proposals Map as Private Open Space.
- 16.2 The NPPF is a significant material consideration in the determination of planning applications. Paragraph 14 states that, at the heart of the Framework, is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

- 16.3 The NPPF seeks to boost significantly the supply of housing. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable sites. The Core Strategy has recently been reviewed in the light of changes to Government policy set out in the NPPF. This review was adopted in July 2014. The housing delivery policies of the development plan are up-to-date and accord with the NPPF. The Council is able to demonstrate a five year supply of housing.
- 16.4 Whilst the site is in a sustainable location the application site is located outside the development site boundary and there is no compelling reason (in terms of housing supply requirements) to justify this development. Given this, it is necessary to consider other material planning considerations that may justify this development.

Sport Pitches and Open Spaces

- 16.5 A football club has operated from this site for many years. It is understood that in recent years the owner of the site (Dishland) has operated from the site has allowed the football club to operate from the site without paying rent. The owner has advised that this situation is unsustainable.
- 16.6 In January 2014 a planning application was submitted by Dishland for the redevelopment of the southern part of the site for housing and the creation of a new 3G sports pitch and club house; the scheme was promoted as providing long-term security for the football club. The application was refused at appeal on the grounds that the scheme failed to satisfactorily mitigate the impact of the loss of the existing grass pitch and that there was no compelling reason for housing outside the defined settlement boundary.
- 16.7 The current application proposes a much smaller residential scheme which is located on the site of the existing training pitch and part of the southern grass pitch. The two grass football pitches will be retained (albeit repositioned). The club will be retained in its existing position. The scale of the residential development has been kept to the minimum to facilitate the retention and transfer of two full sized adult playing pitches, the changing rooms and surrounding land to the Council.
- 16.8 DPD Policy 15 states:

Policy DP15: Retention of Open Space and Indoor Sports Facilities (Revised July 2014)

Development, including change of use, of any existing or proposed public or private open space, outdoor sports ground, school playing field forming part of an educational establishment and allotments (as identified on the Proposals Map) will not be supported unless it can be demonstrated that:

- (i) Alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users;

- (ii) The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general; and
- (iii) It achieves the aims of the Colchester Parks and Green Spaces Strategy.

Development proposals resulting in a loss of indoor recreation or sporting facilities must additionally demonstrate that:

- (iv) There is an identified excess provision within the catchment of the facility and no likely shortfall is expected within the plan period; or
- (iv) Alternative and improved recreational provision will be supplied in a location well-related to the functional requirements of the relocated use and its existing and future users.

In all cases, development will not be permitted that would result in any deficiencies in public open space requirements or increase existing deficiencies in the area either at the time of the proposal or be likely to result in a shortfall within the plan period. Additionally, development that would result in the loss of any small incidental areas of open space, not specifically identified on the Proposals Map but which contribute to the character of existing residential neighbourhoods, and any registered common, heathland or village green or which contribute to green infrastructure will not be permitted.

16.9 Paragraph 74 of NPPF reflects the above when it states:-

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

16.10 The applicant has been advised that it would not be acceptable to lose any part of the playing field that would result in the inability of the site to provide the minimum of two full size fit for purpose adult football pitches. The applicant explains that as a part of the current application, it is proposed to realign the two adult grass pitches some 20m further south to enable the continued provision of two football pitches at this site. The submitted information demonstrates that, in broad terms of land area, it is feasible accommodate the two pitches. A feasibility study has been submitted in support of this application which discusses further ground and level conditions.

Sport England, in consultation with the FA, has advised that in terms of the slight gradient on the each of the pitches, this does not present any issue and can help with a drainage aspects as it will provide a slight run off. The FA has however advised that the Feasibility Report does not contain much specific detail in regard to soil condition, grass coverage across the site or weed coverage. Nor does the report provide detail on the existing size of the pitches and whether they meet FA recommended pitch sizes, nor is there detail on the existing maintenance programme. The FA state that

the key factor is that both adult 11v11 pitches are retained on the site. The issues raised by the Sport England and FA have been discussed with the applicant and further feasibility works has been requested so that it is clearly demonstrated that the two adult pitches can continue to be provided at this site should the residential development proceed.

- 16.11 With regard to the smaller training pitch, the agent states that this is not used. This is a small area of playing field constrained by trees, buildings but it is big enough to provide a mini football pitch to FA sizing's. Whilst it is stated that it is out of use/overgrown, Google Earth clearly shows it has been in use within the past 5 years. Its loss would therefore lead to the loss of playing field protected by Policy DP15, NPPF Par. 74, and Sport England guidance. The case here however centres on whether this loss would be compensated by the security of tenure provided by passing the remainder of the site to the Council for ownership/management. Sports England has advised that this would essentially constitute enabling development but would not strictly accord to their policy to protect playing fields. The FA acknowledge in their comments that there is potentially the scope for the provision of additional facilities and that the provision of these is likely to fall outside the scope of this application.
- 16.12 Whilst Sport England and the FA have requested additional assurances regarding the feasibility of repositioning the two pitches, both organisations recognise that this proposal would provide long-term security in terms of the provision of sports facilities at this site and, as such, are supportive of this proposal in principle.
- 16.13 Two relevant aims of the Colchester Parks and Green Spaces Strategy are to improve the quality of existing parks and green spaces and engage with the local community and Parish Councils on proposals which change the use of or significantly alter the appearance of parks and open spaces. The area allocated for the pavilion extension is welcomed as it is recognised that the existing facilities are spartan and limit the opportunity for increased community participation. It is considered that there is a need for additional community sports facilities in the area as demonstrated by the demands on existing facilities. This application has been promoted as a means of securing the use of the playing fields and open space and has the support of local Ward Councillors (subject to appropriate safeguards). It should also be noted that the Council's Sport Strategy identifies a shortage of play pitches in this part of the Borough. If this scheme does not succeed there is the very real risk that the site will be closed and in doing so further deplete available recreational facilities in the north of the Borough.
- 16.14 With regard to the Policy requirement to maintain Green Infrastructure, the application retains the majority of the site as open space and its connections to adjacent areas (which are defined as important in the Townscape Character Assessment). Given this, it is considered that the proposal will not have a significantly adverse impact on the green infrastructure of this part of the Borough.
- 16.15 In considering the merits of this proposal, it is considered that the benefit of securing sports facilities that will be available to the public through public ownership and management will adequately offset the disadvantage of losing some of the overall area to residential development. This benefit is given further weight due to the fact that, as the land is currently private ownership, the land owner has the ability to restrict/close access to the site.

Design

- 16.16 Core Strategy Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 7 of the NPPF establishes the importance the Government attaches to the design of the built environment, with paragraph 58 setting out relevant criteria.
- 16.17 The application proposes courtyard style of development of 12 two storey houses that creates a potentially charming and intimate sense of place. The sense of unity is reinforced by the use of:-
- a limited palette of materials and colours (chosen from buff brick, cream render);
 - cream boarding at first floor over vehicle parking spaces between linked buildings;
 - plain tiles and slate;
 - white joinery;
 - the introduction of uniform low buff brick wall with piers and metal railings with hedging behind to frontages;
 - simple porches;
 - the introduction of string course brickwork, chimneys brick corbelled brackets at eaves; braced timber supports beneath first floor flying links; and
 - marginal sash and sash style windows.
- 16.18 It is considered prudent to control materials and architectural detailing by condition to ensure that these are delivered as expected and therefore complement the proposed composition.
- 6.19 For the reasons given above, it is considered that the design and layout of the proposed development conforms to the aforementioned development plan policies and the guidance set out in the NPPF.

Residential Amenity

- 16.20 Development Plan Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 16.21 Concerns have been expressed by some local residents that the development will result in the overlooking of existing residential properties.
- 16.22 The Essex Design Guide considers that where properties are set parallel facing one another then a back-to-back distance of 25m is sufficient to protect private amenity. The Design Guide goes on to state that where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. With regard to the impact on light, the Essex Design Guide notes that the Building Research Establishment's Report Site Layout Planning for Daylight and Sunlight 1991 suggests that acceptable daylight in interiors is achieved if a 25° vertical angle from a point two metres above the floor is not obstructed.

- 16.23 The existing houses in closest proximity to the proposed development are No's 27, 29 and 35 Bromley Road (properties in Salary Close are at least 40 metres from the application site so are not considered to be affected). The rear elevations of No's 27 and 29 face a side elevation of Unit 12, which does not have any first-floor windows, so privacy is preserved. The rear elevation of No. 35 Bromley Road is at a near right angle to the proposed houses, with a distance of 25 metres from the nearest corner and with intervening trees and boundary fencing, so overlooking is restricted. The rear elevations of the units that back onto the boundary with No. 35 (Units 10-12) are at least 9-15 metres from the boundary. Unit 10 is closest to the boundary, but is almost 80 metres from the rear elevation of No. 35. The design of the proposed development, in omitting first-floor windows where overlooking may occur, as well as the distances to existing properties leads to the conclusion that the proposal would not have an adverse impact on the privacy of existing residents.
- 16.24 In terms of levels of daylight, the two-storey element of Unit 12 is approximately 17 metres from the rear elevation of No. 27 Bromley Road and 14 metres from the rear elevation of No. 29. This distance enables a clear 25 degree angle between the properties to enable acceptable levels of daylight to the interior of the properties in accordance with the Essex Design Guide.
- 16.25 Concern has been raised by some local residents that the proposed development would have a detrimental impact on their local amenity, in terms of construction noise and disturbance. During construction there would be some adverse impacts. However, a planning condition requiring a Construction Management Plan (CMP), which would contain good practice measures, is proposed. It is considered that this condition would adequately protect the living condition of nearby occupiers
- 16.26 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

Trees, Landscape and Ecology

- 16.27 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy DP1 requires new developments to respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Development Plan Policy DP16 sets out requirements in respect of garden sizes and the provision of public open space. Central Government guidance on conserving the natural environment is set out in section 11 of the NPPF.
- 16.28 Detailed consideration of the landscape implications has already been provided in this report in the section on consultations. The comments from the Tree Officer are noted and an update Tree Survey and Arboricultural Assessment has been requested from the applicant.
- 16.29 Objections have been received from local residents in relation to the loss of trees and adverse impact that this will have on the movement of wildlife.

- 16.30 The submitted ecology report notes that there are no statutorily protected sites within 1km of the site and that there are two non-statutorily sites within 1km of the site: Welsh Wood and Salary Brook Local Nature Reserve. The current proposal is not considered to have an impact on the two non-statutorily sites. The submitted ecology report states the woodland features on the site boundary provides good quality habitat for bats. The report notes that Common pipistrelle, Soprano pipistrelle and Noctule bats were recorded in low numbers foraging and commuting along the woodland boundaries but that no evidence was found of bats roosting in the trees or buildings on site. The conclusions of the report are that no further survey work is required in relation to bats. The inclusion of bat boxes in the new development and consideration to bats when designing the external lighting and landscaping plans will provide improved roosting and foraging opportunities for bats locally. It is also recommended that bird boxes are provided.
- 16.31 Development Plan Policy DP16 states that new residential development should provide both private amenity space and public open space. DPP DP16 sets out a range of garden sizes which are as follows for houses:
- One or two bedroom houses – a minimum of 50m²
 - 3 bedroom houses – a minimum of 60m²
 - 4 bedroom houses – a minimum of 100m²
- 16.32 The garden sizes to all of the dwellings meet or exceed the provision of DP16. With regard to public open space, Policy DP 16 states that open space provision will depend on the location of the proposal but as a guideline, at least 10% of the gross site area should be provided as useable open space. The application, if approved, will secure the transfer of the majority of the land to the Council for recreational use.
- 16.33 Based on the submitted evidence it is considered that the design and layout of the proposed development would respect and enhance natural feature that contribute to the character of the site. The application is therefore considered to accord with the requirement of Policy DP1, DP14, ENV1 and the NPPF.

Transport and Accessibility

- 16.34 Core Strategy Policy TA1-TA4 seeks to improve accessibility and change travel behaviour. Development Plan Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraphs 29 to 41 of the NPPF provide guidance on transportation matters
- 16.35 Vehicular access is currently taken from Bromley Road and this will remain the point of access. The access will be upgraded to include a 5.8m wide shared access road. The access road will reduce to 5.5m in width within the site. The Transport Statement confirms that current arrangement can accommodate refuse and fire vehicles.
- 16.36 The concerns expressed by local residents regarding the access and traffic congestion particularly at school opening and closing times are appreciated. The local Highway Authority has not raised an objection to the proposal subject to conditions requiring improvements to the site access from Bromley Road (as well as a construction management plan) and are content that the proposal will not create an unacceptable impact in terms of highway safety or capacity.

- 16.37 The NPPF and local planning policies make clear that travel plans are an important tool in the delivery of sustainable transport objectives. To help encourage modes of transport other than the private car, it is proposed that Residential Travel Information Packs are issued to all new residents. This is to be secured by condition.
- 16.38 For the reasons given above, the application is considered to accord with the aforementioned local plan policies and government guidance.

Parking

- 16.39 Policy TA5 of the Core Strategy 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 plan 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.
- 16.40 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this provision visitor parking at a ratio of 0.25 spaces per unit is required. In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided.
- 16.41 The proposed development will exceed the minimum requirement for car parking. Each dwelling will have at least two spaces and where garages are provided as parking, the internal width will meet the minimum internal dimensions of 7.0m X 3.0m. Furthermore, visitor parking will also exceed the minimum requirement of 0.25 spaces per dwelling and provide 4 spaces.
- 16.42 The proposed parking provision is considered to accord with the requirements of Policy DP19 and the adopted parking standards.

Drainage & Floodrisk

- 16.43 Core Strategy policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk.
- 16.44 The site is located in flood zone 1 and therefore is not considered to be a significant risk of flooding. The sequential and exception test are not relevant to this development proposal as the site lies outside the 1 in 1000 year flood zone.
- 16.45 The Drainage Strategy states that surface water runoff from external private hard areas and roofs will be disposed by permeable paving. This will give the required one treatment before infiltration for water quality. The proposed access ways will be similarly treated. The Drainage Strategy states that the depth of the permeable paving and the groundwater level will need to be considered at detail design stage. A condition is recommended in respect of this matter.

Contamination

- 16.46 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The support text to this policy notes that Colchester's approach to dealing with the development of land that could be contaminated is set out in 'Land Affected by Contamination: Technical Guidance for Applicants and Developers, 2nd Edition'
- 16.47 Environmental Control has not raised an objection, subject to the attachment of the standard conditions.

17.0 Conclusion

- 17.1 The application site lies outside the defined settlement boundary is allocated as private open space. Exceptional circumstances therefore need to be demonstrated to justify over-riding established planning policies. In this case, the principal public benefit concerns securing existing private sports facilities for public ownership and use in perpetuity. In addition, this application will deliver 12 residential units to boost the housing supply. The development will have minimal impact on the character and appearance of the area with the majority of the green space being retained. It is intended to transfer freehold ownership of the land (including two adult sport pitches, the club house, parking area and ancillary land) to the Council which will ensure their future use for the community. On balance, taking into account development plan policies and the NPPF as whole, it is considered that the public benefit of securing the retention of the majority of the land for recreation and community use outweigh the fact that the site is located outside the settlement boundary. It is considered that the exceptional circumstances required to allow development of open space have been met in conformity with adopted local plan policy DP15.

18.0 Recommendation

- 18.1 It is recommended that this application is approved subject to:
- (i) the Council's Arboricultural Officer not raising an objection to this application and Sport England removing their 'holding' objection;
 - (ii) the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and that the Head of Commercial Services is authorised to complete the agreement to provide the following:
 - to allow the football club to continue to operate under their existing arrangements until such time that the land is transferred to the Council;
 - not to commence the residential development until the two adult pitches have been repositioned on site to a specification that shall have previously been agreed with the Council;
 - the new pitches shall be constructed at the owners expense; and
 - the two fit for purpose adult playing pitches, club house and ancillary land shall be transferred (freehold) to the Council without undue restrictions.

18.2 In the event that the legal agreement is not signed within 6 months of the date of the committee the Head of Commercial Services has delegated authority to refuse the application at his discretion.

(iii) On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions heads:

- Time (Standard)
- Approved plans (Standard)
- Materials (Standard)
- Architectural details
- Landscaping (Standard)
- Monitoring (Standard)
- Tree protection and Monitoring
- Ecology
- Construction Method Statement
- Contamination (Standard)
- Asbestos (Standard)
- Drainage and flooding
- Sport Pitch conditions
- Highway conditions
- Cycle parking

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

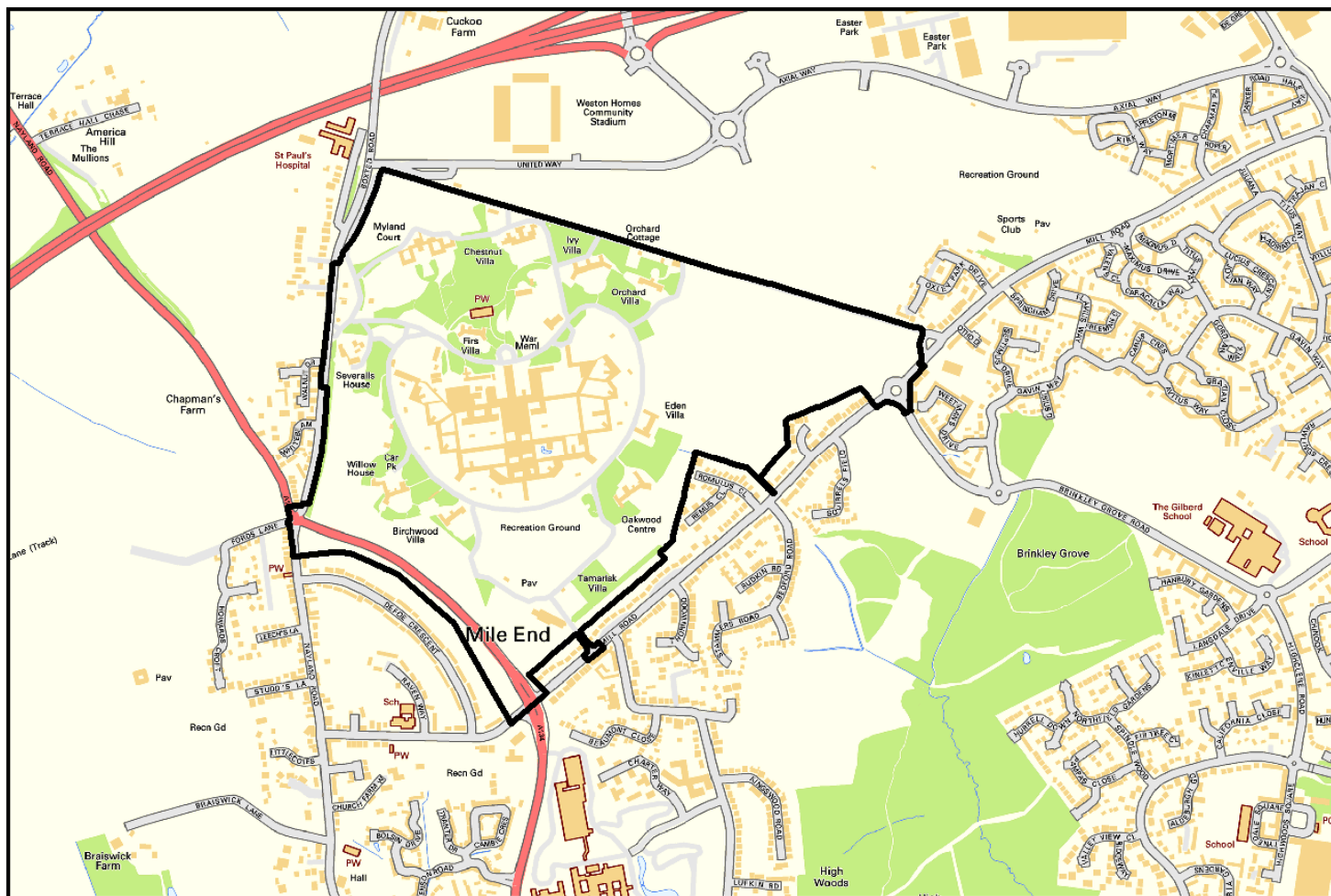
The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works.

(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. Please pay particular attention to these requirements.

20.0 Positivity Statement

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



Application No: 152733 & 152794

Location: Former Severalls Hospital Site, Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Scale (approx): NOT TO SCALE

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7.3 Case Officer: Alistair Day**MAJOR**

Site: Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Application No: 152733

Date Received: 10 December 2015

Agent: Barton Wilmore

Applicant: Bellway Homes, Bloor Homes and Taylor Wimpey

Development: Application for approval of reserved matters following outline approval 151401 for erection of 730 new build residential dwellings, open space, landscaping, parking, access and associated infrastructure.

Ward: Mile End

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

7.4 Case Officer: Alistair Day**MAJOR**

Site: Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Application No: 152794

Date Received: 17 December 2016

Agent: Barton Wilmore

Applicant: Bellway Homes, Bloor Homes and Taylor Wimpey

Development: Full planning permission for highways improvements to facilitate the re-development of the Former Severalls Hospital.

Ward: Mile End

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because of a late call-in (26 March 2016) made by Cllr Goss. Cllr Goss cites the following reason for calling this application in:

“This is a major application which must be heard in front of the planning committee. It is over 700 houses and major plans like this need to be considered by elected Members not carried out under delegated powers”.

The Planning Chair and the Group Spokes have agreed to Cllr Goss’s request.

2.0 Synopsis

- 2.1 The key issues explored below are:

- Impact on the Registered Park and Garden and the individual designated and undesignated heritage assets within it;
- Impact on protected trees and ecology;
- compliance with relevant adopted policy and standards together with the provisions of the outline planning consent and allied s.106 agreement.

3.0 Site Description and Context

- 3.1 The application site is located within the grounds of the former of Severalls Hospital. To the north of the site, between Tower Lane and United Way is the site of the recently approved David Lloyd Centre. Beyond United Way is the Weston Homes Community Stadium. Boxted Road defines the western extent of the application site. To the south of the site is the Northern Approach, which connects the A1341 Via Urbis Romanae (VUR) and Boxted Road. To the south of the Northern Approach are residential properties located on Defoe Crescent. The VUR bisects the site and to the south of this road is a small triangular shaped parcel of land which is accessed from Mill Road.
- 3.2 The application site is approximately 42.13 hectares and is characterised by the following key features:
- A central complex of vacant hospital buildings built to a broadly symmetrical echelon plan and surrounded by a kidney-shaped service road, lined by trees and landscape bunds;
 - a series of detached villas scattered in the outer grounds, each of which is surrounded by individual and groups of trees;
 - large areas of informal parkland and woodland; and
 - the east-west route of Tower Lane forming the northern perimeter and connecting Boxted Road with Mill Road.

- 3.3 The majority of the buildings within the central complex were built in 1910. The front administration building is listed grade II for its special architectural or historic interest. The ward blocks and associated building – including Larch Villa, the water tower, Myland Court, Chestnut Villa, the chapel, the later rendered nurse accommodation – constitute non-designated heritage assets. The grounds of the hospital are designated as a Registered Park and Garden and a large proportion of the trees are protected by a tree preservation order.
- 3.4 The original access to the former hospital was from Boxted Road. A new access on the east side of the site from VUR has recently been constructed and provides access to the application site, the new primary school (which is currently under construction) and the sites of the proposed community centre and mixed use area. Tower Lane that runs along the northern boundary of the site is a PRow.
- 3.5 The development parcel to the south of the VUR is accessed from Mill Road. The Mill Road access also serves the existing NHS buildings and the bowls club.

4.0 Description of the Proposal

- 4.1 Reserved matters approval is sought for Phase 2 of the re-development of former Severalls Hospital pursuant to outline application reference 151401. Permission is sought for the erection of 730 new-build residential dwellings, open space, landscaping, parking, access and associated infrastructure. The proposal will involve the demolition of the majority of the existing hospital buildings.
- 4.2 The application has been submitted by a consortium of developers comprising Bellway Homes, Bloor Homes and Taylor Wimpey. The proposed development can be broken down into two overarching character areas, namely the land within the kidney-shaped driveway (the Core) and the land outside the kidney (the Surrounds). Given the scale of the development, both the Core and the Surrounds have been broken down in sub-areas; the Surrounds comprise Areas A – C and Areas E - F1/ F2 and the Core Areas consist of land parcels D1-3. These sub areas reflect the parcels of land to be developed by individual developers.

5.0 Land Use Allocation

- 5.1 The site is allocated for residential development reflecting the longstanding planning permission on the site.

6.0 Relevant Planning History

- 6.1 The relevant planning history for the former Severalls Hospital site is set out below:
- O/COL/01/1624 – outline planning permission approved for up to 1500 dwellings (including conversion of some retained hospital buildings), mixed uses including community and education facilities, retail, public open space and associated highway infrastructure.
 - 100035 (approved March 2011): Variations to amend the pre-occupation triggers for the delivery of the Northern Approach Road.

- 100502 Reserved Matters for the delivery of 248 homes on Phase 1 was granted by the Council on 4 August 2011. Phase 1 is being developed by Crest Nicholson and construction has commenced.
- 112401 (approved March 2012): This approved an updated Masterplan
- 131221 (approved November 2013): Variation to condition 8a to increase the number of dwellings which can be occupied prior to completion of the Northern Approach Road from 75 to 125 dwellings.
- 151401 (approved November 2015): This sought to regularise a number of conditions and was supported by a deed of variation to the original agreement to allow inclusion of a financial contribution of £2m for the Busway.
- 160147 Refurbishment of retained buildings (Larch House, Administration Building, Water Tower and part of the Echelon Building) to provide 20 residential units, car parking, landscaping and private amenity space - Pending

6.2 Two further applications have been approved at the site.

101527 Full planning permission was granted for the erection of a child and adolescent mental health unit. The mental health unit falls within Phase 2 of the Severalls Hospital site adjacent to Boxted Road. The mental health unit is now operation.

A Regulation 3 application for education development was made to Essex County Council (CC ref. CC/COL/52/14 (CBC ref 146500)) on 28 November 2014 for the construction of a two-storey, two-form entry Primary School with associated hard and soft play space, vehicle access and parking, hard and soft landscaping, drainage, lighting and fencing. The application was approved by Essex County Council in April 2015. The School is currently under construction.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
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
DP25 Renewable Energy

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

SA NGA1 Appropriate Uses within the North Growth Area
SA NGA4 Transport measures in North Growth Area

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

Vehicle Parking Standards
Sustainable Construction
The Essex Design Guide
External Materials in New Developments
Cycling Delivery Strategy
Severalls Hospital and Cuckoo Farm Masterplan and Written Statement
Myland Village Design Statement

7.6 Regard has also been had to the emerging Myland and Braiswick Neighbourhood Plan.

8.0 Consultations

Urban Design Officer

8.1 The Urban Design Officer made extensive comments on the original application submission. Updated Urban Design comments will be reported to Committee.

Landscape Officer

- 8.2 The Landscape Officer has requested various amendments in respect of the landscape content of the submission and has confirmed that he is generally satisfied with the Landscape Concept Proposal and the Recreational Proposal. Up-dated comments from the Landscape Officer on the submitted amendments will be reported to Committee

Conservation Officer

- 8.3 The Historic Buildings Officer has provided detailed comments on the original planning submission. The consultation response Summary is set in full below in relation to the scheme as originally submitted. Amendments have since been received:
- 8.4 While the proposal broadly replicates the layout of the approved 2011 scheme the details provided are disappointing. There is little distinction between the core and surrounds and in both cases while some architectural details copy those to be found on the site there is no attempt to draw this together into a coherent scheme. The haphazard use of features and materials does not reflect the ordered and considered architecture of the existing site. It is most unlikely that the ideals, principles or general character of the site would be detectable if this scheme was approved. The setting of the listed building and locally listed buildings would be substantially harmed and this would not be mitigated by any successful attempt to replicate the character of the buildings that once surrounded them. Deprived of any sense of their context their significance would be damaged. Whereas the quality of the 2011 scheme would have enabled some sense of the formal neo-classical core and the informal Arts and Crafts Surrounds to be understood this is not likely to be the case in this instance. The contemporary language used in the 2011 design code responded well to the neo-classical idiom of the historic hospital buildings that were on site and 'Accordia' in Cambridge indicates how successful such an approach can be. It is not necessary to replicate this but the formality and grandeur of the neo-classical buildings needs to be much more apparent than it would be at present. A rational design language and architectural treatment for different parts of the site is imperative to replicate character.
- 8.5 The Heritage Statement reminds the LPA that the NPPF states that proposals that preserve significance or better reveal significance of heritage assets should be treated favourably. This scheme would result in a development that obscures the significance of the site to a greater degree than is appropriate or necessary. There are clear opportunities to reveal significance through a stronger architectural approach and a closer adherence to the prevalent character of the site. Without this there is no justification for the substantial harm that the scheme would entail because it would fail to accord to the presumption against harm set out in section 66(i) of the Act.
Officer comment: Amendments have been sought in the light of the shortcomings identified.

Archaeological Officer

- 8.6 The Archaeological Officer has requested further evaluation – comprising geophysical survey of open areas to be affected by development and trial-trenched evaluation. He has also agreed that an indicative Written Scheme of Investigation for any further excavation should be agreed with the Council.

- 8.7 In terms of the standing buildings, the Archaeological Officer has advised that a building recording programme should be undertaken (Level 3 or 2 depending on the number / typology of building).

Tree Officer

- 8.8 The Tree Officer has requested various amendments / additional justification in respect of the tree content of the submission. He has however confirmed that he is in broad agreement with the submitted Tree Survey and Arboricultural Assessment. Updated comments from the Tree Officer on the submitted amendments will be reported to Committee

Environmental Protection Team

General

- 8.9 The Environmental Protection Team have reviewed the revised Ardent Noise Impact Assessment report reference No C622-03A dated March 2016. They have confirmed that the noise readings taken provide sufficient information and the noise modelling incorporates the predicated traffic flow and noise mitigation measures. The development must be constructed in accordance with the specifications listed in the report and these specifications must be considered the minimum acceptable for construction.
- 8.10 Environmental Protection has also confirmed that the existing conditions attached to the outline planning permission provide adequate control measures for demolition and construction on this phase.

Contamination

- 8.11 The planning file labelled 'Site Investigation Report and Infiltration Results' contains no documents, however, the file does contain an RSK Geotechnical Briefing Note. Whilst this is a geotechnical review, it has made reference to some potential sources of contamination which require investigation. In addition, I note from the Barton Wilmore Planning Statement, dated December 2015, that a Contamination Survey will follow. At this stage I therefore have no comments in relation to contamination matters, other than to await the additional risk assessments

Housing Development Officer

- 8.12 The Council's Affordable Housing Development Officer has expressed the following concerns in respect of the affordable housing proposed for Phase 2:
- 8.13 The submitted scheme does not proportionately reflect the private sale mix of housing. Adopted guidance set out in the SPD Affordable Housing states that the SPD will contribute to social cohesion since it requires affordable housing to be 'pepper potted' around the site and that a range of affordable housing dwellings will be required on the site, which should match the proportions of different types of dwellings within the open market housing. In this regard shortcomings are identified in the submission where the house sizes/bedroom numbers in the proposals greatly differ between the open market and affordable homes. For example the majority of 3 bed affordable homes are

82m2 in area whereas only 11% of the 3 bed on market are below 82m2 with 89% above 82m2. The affordable units are not tenure blind therefore but differ in size from the open market equivalent homes (smaller).

- 8.14 The critical point to note is the proportion of affordable house types does not match the overall mix in the scheme; both in terms of the number of bedrooms but also the size of the units. For example the 3 bed affordable homes proposed at 82m2 would traditionally provide a 3 bed (4 person) home whereas it is expected that a three bed home would be large enough to accommodate five persons (over 90 m2) A snapshot of the recent data on our housing register confirms that 40% of applicants require 3 bed (4 person) accommodation with 40% requiring at least 3 bed (5 person) accommodation.
- 8.15 Within the Borough, there is a strong need for 3 bed (5 person) accommodation (and very little need for 3 bed (4 person) units as we can house 4 people in a 2 bed home). Given this, it is critical that the size of the proposed 3 bed affordable units is increased in size to reflect the more generous floor areas of the open market accommodation.
- 8.16 The s106 agreement requires the affordable housing to include at least 3 two bed roomed four person Bungalows on Phase 2. The bungalows must fully comply with Category 3 of Building Regulations 2010 Approved Document Part M (2015 Edition) Category 3. The proposals as submitted do not adhere to this requirement.
- 8.17 The location of the affordable homes all appear to be located within the outer edges of the site and not, therefore, fully integrated within development as required by the adopted SPD.
- 8.18 Further information is required on the Tenure split: the proposals need to set out the tenure split (affordable rent, intermediate and assisted purchase etc.) to ensure the affordable housing provision is integrated and proportionally split between the tenures to ensure there are equally provided home types between tenures.

Street Services

- 8.19 No comments received.

Transportation Planning

- 8.20 The key internal connection for walking and cycling is the “kidney”; creating a hub and spoke of walking and cycle routes. The external walking and cycle routes need to connect into the “kidney” as this offers traffic free access around the development. The policy proposes that priority should be given to those walking and cycling. This can be enhanced through changes to the design as suggested below:
- Improving the priority the “kidney” route where it crosses the main east west “Boulevard”
 - Reinforcing permeability from the adjoining developments and external linkages

8.21 Additional comments made can be summarised as follows:

- The access for walking and cycling in south west corner needs to be strengthened and routes linked to the Kidney.
- From the access on Boxted Road a shared use cycle path should be provided on both side of the road to the “kidney”.
- The mini roundabout on the Boulevard should have the cycle routes redesigned to have orbital cycle tracks and crossing points, rather than 4 “concave” arcs which upset the flow and continuity of cycle paths.
- Upgrading the path on Boxted Road is welcomed as this provides an external link for the developments on the westside of the site.
- The pavement along the A134 Northern Approach Road is currently signed as shared use up to the large tree. This section should be up graded to be shared use along the NAR to its junction with Boxted Road. The pedestrian link to the west of the SUDS should be upgraded to shared use link.
- The Kidney provides excellent traffic free walking and cycle access. Priority should be given to walking and cycling movements across the main east-west Boulevard. On the eastern side, the design should be altered to provide orbital cycle routes of the roundabout giving access to the primary school.
- A continuous internal north south shared use route should be provided from the access point on the VUR, northwards across the development to link with Tower Lane in the north west corner.
- The development (area f1) to the south east side of the site (in the vicinity of where Oakwood Villa was) is isolated at the end of a “cul de sac” and needs a direct walking and cycle link to the kidney at the southern end of this area. Previous maps of the site showed a vehicle link from the old Oakwood Villa area to the “kidney” – a link in the area should be provided.
- The links to Tower Lane should be 3m shared use pedestrian cycle links
The Boulevard must allow for a two way bus service which was envisaged as part of the draft North Colchester Travel Strategy. To serve the development two pairs of stops with shelters, raised kerbs, flag, lighting, and real time information should be provided.
- The speed and volume of the traffic needs to be restrained to ensure that Boulevard (or other streets) is not used by through traffic either from the A134 or the Boxted Road to gain access to the A12 at junction 28 (or vice versa) or locations further east. To do this would suggest greater use of restraint measures to slow the speed of traffic including raised tables, for example where the “kidney” crosses the east-west boulevard at both ends and the other residential streets to the north east corner (area C to D2) of the “kidney”.
- The size of the covered cycle space is not specified in the design standard however the 1.8m x 1.2m size suggested for the “shed” is small if the “shed” is to be used for other storage and to be give easy access to a bike in everyday use.
- The location of the visitor cycle parking needs to be identified.
- More detail needs to be provided on the bike storage for apartments. It has not been possible to assess the type of bike storage to be provided for the apartments and whether these are secure and usable for the number of bikes to be catered for.

Ecological Advice from ECCOS

8.22 Comments to be reported.

Highway Authority

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

- Specified amendments to the provision / widths of footpath and/or cycleways in identified location;
- Forward visibility at all bends within proposed highway
- A 0.5 metre strip between all structures and proposed highway
- Allowance for any required street lighting
- All vehicle tracking clear of all private property boundaries/proposed highway and visitor parking spaces
- Main spine road; remove narrowing outside plot 29

8.24 The Highway Authority has also advised that:

- They are comfortable that the proposed design should ensure vehicle speeds are kept to 20 mph or lower however this would not be finalised until the 20 mph zone Order is completed, whereupon it might be some additional calming measures are needed. This can be addressed as part of the s38 agreement.
- The access off Mill Road would be able to accommodate the proposed development.
- Parking controls to address issues with visitor parking (stadium/school etc.) can be addressed as part of the s38 highway agreement

Lead Local Flood Authority

8.25 Following the submission of additional information the LLFA has accepted the proposed Runoff Rates. They have also accepted that SuDS treatment may not be possible given the site constraints; however they have advised that an alternative treatment should be provided using proprietary features such as petrol interceptors, with an explanation given as to how their treatment efficiency would appropriately address the pollution potential of the roads. Regarding Urban Creep the LLFA has advised that an allowance of 3% for urban creep is acceptable given that permitted development rights have been removed for extension.

Anglian Water

8.26 No comments received.

The Environment Agency

8.27 No comments received.

Highways England

- 8.28 Highway England has stated that they have no objection to this application.

Natural England

- 8.29 Comments to be reported

Historic England

- 8.30 Historic England has advised that the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Essex Garden's Trust

- 8.31 It is good to see that the landscape plan responds to some of the features of the designed landscape. It is however difficult to agree with the Heritage Statement's view that the design is positive or beneficial, but in the circumstances, it is correct to see the masterplan as the baseline for assessing the designed landscape, which can no longer be readily reconciled to the description in the list. It is to be hoped that your authority will ensure the implementation of those elements in the landscape plan which incorporate parts of the designed landscape so that a little of it is preserved.

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

9.0 Parish Council Response

- 9.1 Myland Community Council's (MCC) comments are summarised as follows:

- MCC welcome the pre application involvement.
- MCC welcomes that there will be a range of designs and styles and note that the affordable units include 3 wheelchair friendly bungalows. Nevertheless, MCC is concerned that there is been little provision for potential elderly residents.
- Policy HOU1 of the submitted Myland and Braiswick Neighbourhood Plan refers to design and living styles that meet the needs of residents, including the elderly. MCC would therefore expect to see the provision of 10%, of dwellings designed to 'Lifetime Home' standards.
- Policy SAM1 seeks amenity provision amongst which GP surgeries are cited. There is no evidence that this has been considered. MCC note also there is no reference to potential sites for crèche or nursery provision. These are regarded as examples of what constitute sustainable development.
- MCC is reassured by the provision of ecological report.
- MCC is pleased with the efforts proposed to retain the spirit of the Severalls Hospital, including retention of existing buildings, within in the overall design. In particular, the retention and enhancement of the Grade 2 listed parkland, which will enhance the site and benefit local nature.
- MCC note the proposed provision of a bus route. Following complaints from

residents of Severalls Phase 1 MCC ask that the bus stops are not located outside any dwellings. It is not clear how the foot and/or cycle routes will connect to established or future community areas to provide a connection across North Colchester. MCC is concerned about the barrier effect of the Via Urbis Romanae (VUR) which separates the two residential areas and would seek assurances that this will be addressed.

- MCC wishes to express our concern regarding F1 area (rear of Mill Road). The use of the Therapy Road exit onto Mill Road is poorly planned and we suggest the exit should be onto the VUR instead. Mill Road, particularly at this junction, suffers a high traffic density. MCC is currently seeking a ban on all unnecessary HGV traffic on Mill Road. We would certainly argue against construction traffic using this exit in preference to exiting onto the VUR

Cllr Goss (also signed by Cllr Dominic Graham, Cllr Anne Turrell and Phil Coleman)

The email notes that whilst “we are not yet raising a formal objection to the Severalls Phase 2 application we are raising some strong areas for serious consideration and overall concern. Failure to properly resolve them will potentially mean a separate objection is raised against any outstanding points. The issues raised in the email are summarised below:

Construction traffic

There are potentially 4 routes in and out of the site and of course not all will be accessible from Day 1 as changes will be required or new addition highway will require creation. We need a clearly agreed construction management plan for this site No construction traffic must travel down Mill Road. Equally construction traffic must not come up and down or enter via Boxted Road. The only route in must be the existing Northern Approach Road. Wheel washing and daily road sweeping of the entire route must also take place. Delivery hours must also be adhered to. With a new school opening in 2016 with no safe area for children to be dropped off, using this area for construction traffic as well is simply unacceptable.

Officer Comment: *Conditions are attached to the outline planning permission requiring details to be submitted of the construction method statement. Both the Council’s Environmental Protection Team and the local Highway Authority will be consulted on the submission for the discharge of this condition to ensure that the construction traffic proposals are acceptable in terms of highway safety and do not cause a significant adverse nuisance to the amenity of residents. The consortium has suggested a condition be added to ensure no construction traffic/deliveries take place during school pick-up/drop-off times.*

Trees and wildlife

There seems to be a general assumption that many of the “legendary” trees will need to be removed and destroyed due to poor health of the specimens. Many of the trees in question have TPO’s. This whole area needs further work before we are convinced we need to lose so many historic trees. Although it is recognised some new planting will come forwards, all efforts must be made to preserve as many as possible.

Further ecology work and wildlife surveys are also required. We would also like to see Bat boxes and bird boxes included on site for wildlife please. We must also ensure maximum retention of the historic garden elements of this site.

Officer Comment: *A comprehensive tree survey has been submitted in support of this application. The Council's Tree and Landscape Officers have been fully consulted and the form and layout of the development proposals reflects their direct input. To better explain the ecological impacts of this development additional ecological information and survey work has been requested during the course of this application. The Council has sought specialist ecological advice by appointing its own consultant to advise on this matter and has worked closely with Natural England. The advice and recommendations of the ecologist are set out in this report.*

Bus routes

There are already issues with bus stops and yellow lines being painted on Severalls Phase 1 to the surprise of many residents. The bus service operator is not known. This information needs to be forthcoming otherwise a bus route is being built with absolutely no operator in mind. We absolutely support sustainable transport and bus routes where feasible but history and experience shows there is no joined up thinking and it needs resolving at application stage and not once everything is built! There also has to be a question surrounding bus stops and bus shelters. These should be included if a route is required and the shelters should be ECC ones which the developer must fund.

Officer Comment: *As required by the Council's adopted SPG, the spine road that links Boxted Road to the VUR has been designed to accommodate bus traffic. Whilst it is considered important to design public transport links into major development proposals; it will be for the local bus operators to decide if and when to introduce a bus service through this development. The location of bus stops is shown on the layout plans.*

Parking restrictions, resident only parking, yellow lines and stadium parking

A scheme needs to be in place to stop commuter, hospital and stadium parking. An appropriate parking scheme needs to be proposed at application stage so new residents are aware when purchasing their houses. The developer must fund any scheme and this needs to be a condition of this application. There could also be issues with parking from the Northern Gateway especially if a Cinema does open there. If further bus lane cameras are to be installed they must be operational. The developer should fund them and also include maintenance costs in any funding agreed.

Officer Comment: *This issue falls outside the control of the Local Planning Authority. The issue has however been raised with both the developer and the Highway Authority. The developer has advised that they do not want indiscriminate visitor parking to cause a nuisance to the new residents and would like to introduce appropriate controls to prevent this from occurring. The Highway Authority has advised the introduction of parking control measures will need to be agreed as a part of the highway adoption approval process.*

Parking standards

These need to follow the agreed adopted Parking Standards and where possible an increase in parking available. If the parking standards are revised and improved during the construction of this development, where legally and practicably possible newer standards should apply.

Officer Comment: *The applicants have been advised of the requirement to adhere to the adopted parking standards. The scheme now provides for parking in excess of the relevant adopted standard. Any changes in adopted standards that occur after consent has been granted cannot be applied retrospectively.*

Highways

There are serious concerns about having access points from 4 different locations. It has already proven not to work where retrospectively protection is added to the “bus gate” off Mill Road and yet people still drive through this making it yet another rat run to and from the A12 and to Mill Road.

Access to the development off Mill Road is not acceptable and also from Boxted Road. All access should be to and from the NAR 2 and NAR 3 only. We need to reduce traffic on Mill Road, not add to it again. This area needs a serious rethink.

Officer Comment: *The Highway Authority has not raised an objection to the proposed access arrangements. Conditions also require the submission of a construction method statement.*

Allotments

The addition of allotments is welcomed. We do share the concerns of some Mill Road residents where these will back directly onto their properties. These allotments should either be moved further away inside the development or extra protection should be offered to the residents with high secure close boarded fencing or deep vegetation.

Officer Comment: *the size (area), location and requirement for the handover of the allotments were agreed as a part of the outline planning approval.*

Cycle and pedestrian access

Cycle and pedestrian access must be maximised on this development to allow access to all areas of Mile End and all infrastructure. Cycle racks and other appropriate facilities must also be added and under newer guidance where possible horse bridleways also added.

Officer comment: *The layout has been designed to create a development that maximises pedestrian and cycle permeability.*

Boxted Road pedestrian route widening and NAR crossing

This is a top item to be delivered! The safe pedestrian route along Botted Road needs to be delivered to allow safe pedestrian access to and from the stadium as well as to the new Severalls development. Improved lighting must also be included as part of this package. A pedestrian crossing at the end of Botted Road with the existing NAR must also be included as part of these measured and long overdue improvements.

Officer comment: *This facility is secured under the Severalls Hospital s106 agreement.*

Gated Route from Stadium to Botted Road

A pedestrian gated route from United Way which comes out on Botted Road was added to try and help improve pedestrian safety. This route must remain.

Officer comment: *The applicant has provided assurance that this route will remain.*

Historic preservation of the site

Where the historic buildings will remain maximum effort must be put into saving and developing these buildings to maximise the quality of the overall preservation and long term quality of the living accommodation. These proposals must be scrutinised and if necessary specialist independent consultants must be appointed to oversee the proposals submitted with a full report coming back as part of the application scrutiny.

Officer comment: *The need to safeguard the retained buildings and prevent them from deteriorating further is accepted as is the need to bring these buildings back into an active economic use as soon as possible.*

Multiple builders

We need one lead developer taking overall lead and ownership for all infrastructure, roads and open spaces. We cannot have this built by multiple developers as the experience when it comes to quality and adoption is poor. The developer needs to explain how the phasing and house building will take place.

We also need to ensure control where developers decide to try and change the overall plans by putting in planning amendments once the main plans are agreed. Experience has shown developers try and push through changes which have a detriment to the development long-term for short-term gain.

Officer comment: *A phasing plan has been requested from the applicants. Any changes to approved plans will require further consent. The identity of the developer(s), whether singular or multiple, is not a planning consideration.*

Management Company and control

This is an area which highlights issues time and time again. It is a recipe for disaster if we don't set the ground rules at planning stage. I have experienced too many developers where multiple management companies are added, all covering different parts of the development and in fact some areas are never covered as tiny plots of land are conveyed to residents which then undergo various levels of maintenance, especially where properties get rented out. There are also issues with the way leases or land ownership is conveyed or set-up which means management companies cannot be removed by those who ultimately pay for them through management charges. This development must ensure if a management company is employed, the same company is used by the whole development. All areas must be equally managed to the same standard and once Residential Directors are appointment, the ability to remove the company and appoint someone new must also be included. It would be sensible to follow the same arrangements as followed by Severalls Phase 1 so one overall management company and structure is used. Residential Directors should also be appointed part way through a build rather than the anticipation the whole development needs to be completed as this will take up to a decade. Residents must also be clear what they are paying for and if all play grounds and open space does remain the responsibility of the management company rather than the public purse, residents must be clear as to replace a playground in 10 years time will be £90k. There will also be annual Health and Safety checks which will all be paid for by residents.

Officer comment: *The framework for the provision of a management company is set out in the s106 agreement. The consortium has confirmed that there will only be one management company and structure across the whole site.*

Community Centre

An honest and open dialogue needs to be held with the appropriate stakeholders about the size and quality of the proposed community centre. It would be anticipated the developers would help with a quality fit-out at their own cost outside of the legal 106 agreement details.

Officer comment: *The framework for the provision of the community centre is set out in the s106 agreement.*

Litterbins and dog bins

The developer is expected to provide adequate dog and litter bins to cover all walking routes, open spaces and play grounds and to ensure the area is clean and tidy at all times.

Officer Comment: *This will form part of the detailed landscaping scheme.*

Adoption of Highway, open spaces and play areas

Roads should be completed early on and not left half tarmaced with the top mix missing for years. A condition should be put on this to ensure compliance and an agreed structure for completion and adoption. The same for public open spaces and play areas if these are to come into public ownership tighter controls must be in place for quick completion, a quality product and quick adoption.

Officer comment: *The framework for the provision of the public open space play areas is set out in the s106 agreement. The adoption of roads and footpaths is the responsibility of the local Highway Authority.*

Bin store design

Bin store design for any flats must follow the latest standards and include enough space for recycling.

Officer comment: *The scheme has been designed in accordance with the Council's adopted guidance.*

Street names and street name plates

Street names have already been suggested to follow historic figures and the rich history of the site.

Officer comment: *A meeting on this issue has been arranged between Cllr Goss and the consortium..*

10.0 Representations

10.1 17 letters of representation have been received in respect of this application. The issues raised are summarised below:

- Bridleways or off routes should be added to keep horses away from traffic
- A bridleway link to Highwoods should be provided
- More smaller houses should be provided
- Supporting infrastructure required
- The development will compound congestion
- Boxted Road should be kept free of heavy traffic and is not suitable for additional traffic
- The impact of the development on existing residents needs to be considered
- Access point onto Boxted Road is not acceptable
- Allotments to rear of gardens in mill Road is unacceptable
- Road improvement are required before development starts
- Pedestrian / cycle route along Boxted Road need to be delivered
- Development should be deferred until existing infrastructure deficits are addressed.
- There will be a conflict between construction traffic for this development and the adjacent Chesterwell development (particularly around Fords Lane roundabout).
- The areas of open space should be developed last; the areas of the hospital buildings should be tackled first to improve the appearance of the area. .

- The s016 agreement should not be amended further.
- The application should be decided by the Planning Committee not officers.
- The development fails to improve / enhance Public Rights of Ways
- As many as possible of the Severalls Hospital buildings should be preserved.
- The hospital site layout should also be reflected in any new builds.

Colchester Cycle Campaign

10.2 The comments by CCC can be summarised as follows:

- The proposals for the 'kidney route' are welcomed but better connection need to be made to it.
- High-quality cycle routes towards each of the main attractors segregated cycle path should avoid conflict
- There should be no staggered barriers; bollards should only be used to keep cars off cycle paths and cycle routes should be signposted
- Station route - this path appears to be fitting around plots of houses; a direct approach would be better both in terms of following a desire line and for increased social safety. The path should be curved rather than angled.
- Links to Chesterwell - a 20mph road will be fine for most cyclists, but this route will be relatively busy, particularly at peak traffic periods. A wide footpath should be put in place for the use of students of the mooted senior school on Chesterwell Woods. This path could go on either the north or south of the road and should connect to "the kidney".
- Connections to Boxted Road and the north - this development needs very good permeability so that walkers and cyclists can access the employment/leisure facilities to the north.
- Link to the primary school - While we are encouraged that the school is to have its own access from "the kidney" it is disconcerting to note that the school's internal road layout looks likely to put pedestrians and cyclists in conflict on the approach to the school car park
- Route to the hospital - The connection to the hospital is an important one
- Along the NAR – the path adjacent to the Northern Approaches Road should be shared use along its length.

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

11.0 Parking Provision

11.1 The scheme incorporates more vehicular parking than required by policy and cycle parking also conforms to the standard (See Paragraph 15.80 to 15.84).

12.0 Open Space Provisions

12.1 With the exception of two plots all of the gardens comply with adopted standards with 23 hectares of strategic open space and woodland provided in conformity with the s.106 agreed in connection with the outline consent. (See Paragraphs 15.55 to 15.60).

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. The Development Team noted that this application was submitted pursuant to an outline application and that s106 obligations to mitigate the impact of this development were agreed at the time the outline application was determined. The Development Team did not raise any comments in respect of this reserved matters planning submission.

15.0 Report

The Policy Context

- 15.1 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is also reflected in guidance set out in the NPPF. The Council has a suite of up-to-date and fully adopted Development Plan Documents, including a Core Strategy (CS), Site Allocations (SA) and Proposals Maps and Development Plan Policies (DPD). The Council has also adopted a Supplementary Planning Document in respect of Severalls Hospital.
- 15.2 The Council’s CS provides the overarching policy direction for the local plan and for the delivery of development, infrastructure, facilities and services in Colchester to 2021 and 2023 for housing. Policies SD1 and H1 promote sustainable development and identify broad locations for growth. The majority of housing will be focused within the Council’s Regeneration Areas and two greenfield growth areas to the north and south-west of Colchester. The application site forms part of the identified regeneration area in the northern growth area. Other CS policies that are relevant to this application are: Policy UR2 which seeks to secure high quality and inclusive design in new development; Policy PR1 which requires the provision of open space to meet the needs of new communities; PR2 which promotes secure, attractive people-friendly streets; Policy TA1-TA4 which seeks to improve sustainable transport links and promote people friendly street and ENV1 which seeks to protect and enhance the Borough’s natural and historic environment.
- 15.3 The policy approach to the North Growth Area, which includes the Severalls Hospital site, is subject to specific policies in the SA (policies NGA1 to SA NGA5). These reflect that the site has been a long term allocation for residential development.
- 15.4 The SA DPD provides more detailed planning policies and supports those of the Core Strategy. A total of 25 policies are set out addressing a variety of issues including sustainable development, public realm, transport and accessibility, environment.

- 15.5 The Council's development plan is considered to be up to date and this has not been disputed by the applicant.
- 15.6 National policy is set out in the NPPF and this together with the accompanying guidance document constitutes a material consideration in the determination of planning applications. The NPPF reaffirms the requirement that planning applications should be determined in accordance with development plans, unless materials considerations indicate otherwise. The NPPF also states that where sites are allocated for housing they should be approved without delay.

Planning Background

- 15.7 Outline planning permission (O/COL/01/1624) was granted for the redevelopment of the former Severalls Hospital site on 21 March 2006. This application proposed up to 1500 dwellings (including conversion of some retained hospital buildings), mixed uses including community and education facilities, retail, public open space and associated highway infrastructure.
- 15.8 The outline planning permission has been formally varied a number of times, most recently in November 2015 when Members' approved changes to selected outline planning conditions and the s106 agreement (ref 151401). The current reserved matters planning application has been submitted pursuant to this application.
- 15.9 Condition 4 of application 151401 requires the reserved matters application to accord with the approved Broadway Malayan Masterplan and Design Code. This requirement is also set out in the s106 agreement.
- 15.10 The Masterplan identifies the buildings to be retained and key areas of landscape. The buildings identified for retention are:
- The Administration Building - A grade II listed building located on the central axis of the Kidney
 - The Water Tower - A highly distinctive building located within the kidney and significant local landmark
 - The Echelon wing to the west of the Kidney
 - Larch House; and
 - Airing Shelters

Key areas of landscape that are to be retained comprise:

- The external and internal air courts
 - Myland Villa Gardens
 - The part of the former cricket pitch to the south the main echelon building; and
 - Two areas of woodland to the north of kidney
- 15.11 The Master Plan also identifies key access routes and linkages both within the site and to adjacent sites. The Design Code identifies the main land use areas and sets out key principles to be followed for the design and layout of the Phase 2 Severalls Hospital development.

The Proposal

- 15.12 The reserved matters submission proposes 730 residential dwellings, open space, landscaping, parking, access and associated infrastructure. The number of units proposed falls within the scope of the outline planning approval. The Master Plan identifies two main character areas (the Core and the Surrounds). The application site has been further subdivided into smaller parcels (reflecting the site characteristics and the areas to be developed by individual developers); these areas comprise Area D1 – 3 within the Core and Areas A-C, E-F in the Surrounds. In broad land use terms, the proposed character areas accord with the approved Master Plan and Design Statement.
- 15.13 A separate full application has been submitted in respect of the proposed access onto Nayland Road and Mill Road (ref 152794). This is due to the fact that the some of the land required to facilitate the access improvement falls outside the boundary of the outline planning approval.
- 15.14 Approximately a further 20 homes are proposed in the buildings that have been identified for retention. The conversion of the retained buildings is the subject of a separate application (ref 160147).
- 15.15 The total number of new homes delivered between Phase 1 and 2 of the Severalls Hospital development will be approximately 1000 homes. This is a third less than the original outline permission envisaged. The reduction in the number of units proposed is due to a number of reasons including: part of the site being retained by the NHS for Mental Health purpose; changes in market demand for certain unit types (larger units preferred to apartments), constraints imposed by trees and changes in current (adopted) design standards and the emerging highway standards.

Design

- 15.16 CS Policy UR2 seeks to promote and secure high quality design. The Policy states that developments that are discordant with their context and fail to enhance the character and quality of the area will not be supported. DPD DP1 sets out design criteria that new development must meet. These require new development to respect the character of the site and its context in terms of detailed design and respecting and enhancing its surroundings. Further design guidance is set out the Severalls Hospital SPD and the Essex Design Guide.
- 15.17 Section 7 of the NPPF establishes the importance the Government attaches to the design of the built environment, with paragraph 58 setting out relevant criteria. While paragraph 60 states that architectural styles should not be imposed, nor should innovation be stifled, it is, however, proper to seek to promote or reinforce local distinctiveness. Paragraph 64 explicitly states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The supporting guidance document to the NPPF notes that local building forms and details contribute to the distinctive qualities of a place and that standard solutions rarely create a distinctive identity or make best use of a particular site. The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness when used in evolutionary local design, and can also be used in more contemporary design.

15.18 Condition 4 of the outline permission requires that the new buildings on Phase 2 of the Severalls Hospital development to respond to the principles set out within the 2011 Design Statement. The Design and Access Statement that has been submitted in support of this current reserved matters application explains that the principles set out in the approved Master Plan have formed the basis of the land use extent of development, access and movement, general permeability across the site, urban form, architecture and landscape design.

The Core

15.19 The Design Statement set the key principles for the redevelopment of the Core. These are:

- the layout should a rectangular grid plan framework;
- the architecture should to relate closely to the character of the historic hospital buildings without attempting a pastiche copy;
- the new echelon buildings fronting onto the park landscape should have a continuous frontage and have the same scale, rhythm and materials as the historic ward blocks;
- projecting bays and balconies are required to echo the equivalent elements within the architecture of the historic buildings
- a marker building to replace the former Assistant Medical Officer House.
- the boulevards and squares are fronted by three storey buildings (sometimes continuous and sometimes with 2 storey elements) and buildings fronting shared surfaces / mews courts should generally 2 storey with 3 storey at junctions or axial terminations

15.20 The submitted Design and Access Statement states that the Core development is an area with formal development frontages and that the building features / details will derive from the retained and historic building elements.

15.21 The proposed development within the Core adopts a regimented layout arranged around a series of boulevards and squares. The proposal in this respect accords with the requirements of the approved Design Statement. The new echelon buildings (as originally submitted) proposed a combination of 2, 2.5 and 3 storey buildings and these buildings lacked the solid / void relationship and strong vertical emphasis of the historic hospital buildings. This scheme did not adhere to the principles set out in the approved Design Statement. Amended proposals for the new echelon buildings have been undertaken so that, for the most part, they now present a continuous frontage to the parkland landscape and are mainly three storeys with short connecting elements of two and a half storeys. Whilst the heights of the replacement echelon buildings do not strictly accord with the requirements of the approved Design Statement, the visually prominent frontages and, in particularly those areas adjacent to the retained wings, are now three storeys in height and the continuity of built form helps to create the perception of a unified frontage. There have also been changes to the design of the elevations. The proposed changes have gone some way to addressing the concerns raised by officers in respect of the failure of the original submission to echo the character of the former hospital buildings. Notwithstanding this, some of the proposed buildings still fail to echo the rhythm and detailing of the historic hospital

buildings and therefore conditions are proposed requiring alternative designs to be submitted.

- 15.22 Within the main body of the Core, the Spine Road is fronted by mainly 2.5 and three storey buildings. The proposed development creates a continuity of frontage and has a formal character, which is further reinforced by the avenue tree planting. Whilst the building heights do not wholly conform to the requirements of the approved Design Statement, the uniformity of design, continuity of frontage, combined with the tree planting, is considered sufficient to create an acceptable form of development to this street. As originally submitted, two storey development was proposed to front the north / south boulevards and internal airing courts. The applicants, and in particular Bellway, have stated that they do not believe that there is a demand for three storey housing in Colchester. It is accepted that there is probably a finite market for this type of housing and for this reason officers have indicated a willingness to accept 2 and 2.5 storey buildings in these locations, provided the built form adopts a composed composition and that the buildings have richness in terms of their architectural detailing. As originally submitted the buildings proposed in these locations do not achieve this. The proposed scheme also does not include a marker building to replace the Assistant Medical Officers House. This has been raised with the applicant and they are currently considering alternative design solutions for this part of the site.
- 15.23 The design of buildings within the main body of the Core (as originally submitted) were considered to be excessively stripped back and created a development with an undistinguished appearance. Concern was also expressed that some of the built forms proposed within this part of the Core were inappropriate to the architectural character that the development was seeking to achieve. Suggestions on how to improve the overall character and appearance of these buildings have been made to the applicant and they have agreed to re-consider their elevational treatment / detailing. At the time of writing this report, Officers have not had an opportunity to properly assess the amended building designs proposed within the Core. A verbal update will be provided.
- 15.24 The Design Statement states that materials within the Core will be red brick and slate. The proposals adhere to this requirement. The use of quality materials (which includes an appropriate mortar mix and bond) is of fundamental importance. Likewise, boundary enclosures to the development will be of great importance, particular where the built form is such that it does not create an appropriate sense of continuity or enclosure. It is considered that the front boundary enclosures (with the exception of new echelon buildings) should comprise brick piers and walls or brick walls and railings. Boundary enclosures to gardens that address public space or parking courts will also need to be constructed in brick. Conditions will be used to ensure these details are implemented.

The Surrounds

- 15.25 The approved Master Plan divides the Surrounds into the following four character areas:
- The south west area, closest to Nayland Road (Area E)
 - The north west area adjoining the northern half of Boxted Road (Area A)
 - The north central area situated between the Core and Tower Lane (Area B)

- The Northern Approaches frontage, incorporating the school, community centre and mixed use (Area C and F).

- 15.26 The layout for the Surrounds is more informal than the Core and in this respect responds to the requirements of the Design Statement. It is however unfortunate that the requirements of the Highway Authority for standard road geometry has resulted in the development having a rather engineered appearance.
- 15.27 The Design and Access Statement explains that the design rationale for the Surrounds is drawn from historical designs and the former hospital buildings, as well as drawing reference from the surrounding context such as Phase 1A and the development along Boxted Road.
- 15.28 The design proposals for Area E are based on an Arts and Craft style of architecture. This architectural response is considered acceptable for this part of site. Various design amendments have been suggested both to improve the general appearance of the proposed buildings and create a stronger sense of continuity to the streets. The design proposals for Area A and B (as originally submitted) were based on the Essex vernacular. This design response was considered to be misguided as it failed to draw on the architectural character of the existing buildings which are derived from the Arts and Crafts movement. In order to reinforce local distinctiveness Officers have recommended that the building designs for Area A draw upon the Lodge Houses and Myland Court and that the designs for Area B draw upon the former Nurses Homes and Chestnut Villa. The building designs for Area C are again based on Arts and Craft Style (which is considered appropriate). The buildings on Area F are to reflect elements of the new echelon buildings combined with detailing found on Phase 1 of the Severalls development. This design response is considered appropriate. Amendments to address the above (and other) concerns have been submitted by the applicant during the course of writing this report and others are still awaited. An update on the design issues raised will be given to Members at the committee meeting.
- 15.29 In the Surrounds, the Design Statement requires the predominant wall materials to be red brick and coloured renders and that roof coverings are to be clay tiles or slates. The submitted Design and Access Statement however proposes the use of materials more commonly associated with the Essex Vernacular rather than those found on the Severalls site. It is considered important that the materials proposed are both of a high quality and reflect those found on site to reinforce the local distinctiveness of the area. Boundary treatments (including gated enclosures) will also be of important in terms of establishing and reinforcing the character of various part of the site. Conditions will need to be attached to ensure the appropriate use of high quality materials and boundary enclosures.
- 15.30 Concern has been expressed about the use of standard house types and there adaptations. Design is more than just the aesthetics or style of the houses, and it is accepted that the modification of standard house types, as employed here, can, if properly integrated into a wider design philosophy, be an acceptable approach to good design. Thus, while the design of a proposed development can have very distinct effects on the appearance of an area, it also affects the character and the way it functions, both in relation to its location and for the future occupants.

15.31 Buildings for Life 12 (BfL 12) present a simple traffic light approach to twelve key design questions. The more 'greens' that are achieved, the better a development will be. A red light gives warning that a particular aspect of a proposed development needs to be reconsidered. Officers have carried out an assessment of the scheme, the conclusions of which are set out below:

| | |
|--|----------------|
| 1. Connections | Green |
| 2. Facilities and Services | Amber to Green |
| 3. Public transport | Amber to Green |
| 4. Meeting local housing req. | Amber |
| 5. Character | Amber to Red |
| 6. Working w/site and context | Amber |
| 7. Creating well defined streets/space | Amber to Green |
| 8. Easy to find your way around | Green to Amber |
| 9. Streets for All | Green |
| 10. Car parking | Amber to Green |
| 11. Public/private spaces | Amber |
| 12. External storage/amenity space | Green |

15.32 It is important for Members to note that the above assessment was undertaken on the original planning submission. The applicant has made various amendments to the design and layout of the scheme and, as consequence of these changes, the Amber to Green scores are likely to change to Green and the Character Amber rating could move to Amber to Green or Green (pending a full review of the amended drawings).

15.33 Whilst Officers accept that BfL12 cannot be considered as a definitive exercise the themes it sets out mirror those in Paragraph 58 of the NPPF and therefore provides a useful bench mark against which to assess a development proposal.

15.34 The need for good design is clearly articulated in both the development plan and in the NPPF. Based on the above BfL 12 assessment it is accepted that the scheme does have a number of positive attributes. It is therefore considered that, providing the amended drawings satisfiability address the design concerns raised by Officer (or these amendments are secured by condition) the current proposal is (or can be made to be) acceptable.

Heritage Issues

15.35 CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. DPD DP14 states that development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Government guidance on the historic environment is set out in paragraphs 126 to 141 of the NPPF. Paragraph 133 deals with substantial harm to, or total loss of significance of, a designated heritage asset. Paragraph 134 deals with less than substantial harm. Harm in this category has to be weighed against the public benefits of the proposal.

- 15.36 The Severalls Hospital was designed by County Architect, Frank Whitmore in 1910. The asylum was laid out in an echelon style that was common at the time. The front Administration building is fine example of the Queen Anne Style building. The echelon block present a unified and formal appearance to the external parkland and a key feature of this building is the way in which it defines a series of external courts. The interior of the echelon consists of a group of widespread inter connecting elements which were dominated a large assembly hall (destroyed by fire) and two airing courts. The hospital buildings are mostly two storey brick structures with pitched tiled or slate roofs; the notable exception to this is the water tower which not only dominates the service area of the hospital but also from far creating a significant landmark. A series of more domestic villa buildings are scattered in parkland and connected by a series of sweeping drives.
- 15.37 The relevant heritage designations within the Severalls Hospital site are the grade II listed Administration Building and the grade II registered historic park and garden designation, which covers the whole of the reserved matters application site. The application site also includes various non designated heritage assets (i.e. buildings of local interest). The Ingram Report of 2001 (submitted with the outline application) stated that “as a group the hospital complex is an important and intact survival of local and national significance”. In the intervening time the complex has considerably declined in condition as a consequence of the site’s neglect.
- 15.38 The special interest of the Administration Building is derived mainly from its architectural and historic interest and makes a dignified architectural announcement to the former hospital. Originally the building would have been flanked by a two storey range on the east and a single storey range on the west, with the two storey spine extending behind it. The building-line and projecting nature of the listed building and its relationship with the main approach, including the turning circle, ensured it stood out as the principal building of the asylum complex. It is these aspects of its setting, along with the now matured landscape, that contributes in the strongest way to its significance and appreciation. To the rear of the building and has a more utilitarian appearance and is considered to be of less significance.
- 15.39 The Administration Building is to be retained (as a single dwelling house) and the Heritage Statement explains that the building has had a pivotal influence on the layout proposed for the Core. The circular lawn to the north is to be retained and the central war memorial reinstated as part of the current proposal. The existing flanking structures will be demolished and replaced by new houses that will set behind the building-line of the front elevation so as to retain the prominence of the listed building. Concern has been expressed by Officer in respect the original design of the two new flanking buildings and the applicant has agreed to consider alternative designs. At the time of writing this report revised details have not been reviewed. The proposed rear garden to the administration building is shown enclosed by a brick wall with an in / out vehicular access on the south boundary fronting the central square area on the spine road. It is considered that the proposal (subject to improvement to the design of the flanking buildings) would cause harm in relation to the setting of this listed building but this this harm would be minimal.
- 15.40 The proposed development will have a significant impact on the designated historic park and garden both as a result of demolition of historic buildings and the infilling of areas of existing parkland.

- 15.41 The submitted Heritage Statement accepts that the by implementing the development approved by the extant outline planning permission and in the form shown on the approved 2011 Master Plan will result in fundamental changes to overall character of the designated landscape. The Heritage Statement however opines that because the current reserved matters application broadly follows the masterplan it does not cause further substantial harm to the registered park and, as such, paragraph 133 of the NPPF is not engaged. Officers do not agree with this view, particularly as the NPPF was published after the Master Plan was approved and the guidance is a material consideration against which planning applications have to be assessed. That said, whilst the issue of substantial harm as outlined in the NPPF cannot be ignored, it is accepted that for the purposes of this application, the baseline is the approved Master Plan. (In the event that any future application is submitted that is not pursuant to the outline permission, the new development proposal will need to be considered on its own merit and this will need to include a fresh assessment of its impact on the identified heritage assets).
- 15.42 The significant harm caused by the developments outlined in the 2011 Master Plan result from the substantial demolition of the historic buildings and the further encroachment into area of open parkland. These changes were accepted by the Council on the basis that they would enable the site to be brought forward for development and would secure the conversion and reuse of the reduced number of retained hospital buildings. Given this, it is considered important to link the new build element to the repair and conversion of the retained hospital buildings either through a condition related to occupation triggers or the phased demolition of the hospital buildings. It is also considered important that the hospital buildings are properly recorded prior to their demolition.
- 15.43 When the current application is assessed against the approved Master Plan, there is strong conformity between the application proposal and Master Plan. There are however some areas of deviation but the Heritage Statement notes that these are primarily due to the proposals being informed by an up-to-date tree survey. Key landscape areas identified within the approved Design Statement (namely the kidney route, the dormer cricket pitch, Myland Gardens, the memorial lawn, the internal and external airing courts and woodland blocks and shelter belts) are being retained and enhanced as part of the current proposal. Given the extant planning framework for this site, it is considered that that the development proposals generally respond in a positive and a pragmatic way the requirements of the Master Plan and the existing site constraints.
- 15.44 For the reasons given above, and having paid special regard to the desirability of preserving the listed building and its setting and given careful consideration to the requirement of paragraphs 131 - 134 of the NPPF, it is considered that this application is acceptable in terms of its heritage impact.

Trees and Landscape

- 15.45 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline.

- 15.46 The landscape setting to the hospital forms both a significant historical asset and the primary constraint to the delivery of the scheme. The original 2001 outline planning application was supported by a tree survey and identified trees for retention. Since this document was produced the trees have continued to grow and a significant number of new saplings have set.
- 15.47 A new tree survey for the whole site has been submitted in support of this application. A total of 914 individual trees, 56 groups of trees, 114 areas of trees and one woodland were identified during the survey. It is apparent from the submitted survey that the majority of trees were planted at the time of the Hospital's construction (i.e. in the early 1900's). The tree population therefore has a relatively even aged cohort. Some older trees do exist (old field and hedgerow trees); similarly more recent institutional planting exists mostly along the curving road to the south of the central core. The Tree Report also notes that the landscape stock has not been maintained for many years allowing the survival of many poorer trees and in large areas natural regeneration has occurred. The Council's Arboricultural Officer has confirmed that he is in broad agreement with the conclusions submitted Tree Survey.
- 15.48 The proposed development will result in the loss of a significant number of trees. The vast majority of these trees have been categorised as C (trees that should not constrain development) or R (trees that should be felled). The current proposals will however result in the 4 A items being felled and 110 B items being felled.
- 15.49 Both the Arboricultural Officer and Landscape Officer have played an integral part in shaping the form of the proposed development to ensure that tree loss is kept to the absolute minimum. Justification has been sought for the all Category A and B tree removal. In each case the applicant has had to demonstrate why the trees are considered to be incompatible with the layout of the proposed development. The reasons put forward include: the approved Master Plan shows roads running through woodland blocks rendering it impossible to retain trees, some trees are too large for modern domestic gardens or in the case of a Category A Oak tree it is too close the retained ward block. Whilst the loss of important trees is regrettable, it is important to remember that there will be significant new tree planting which has been designed to reinforce the historic landscape structure and will provide succession planting to a declining age stock.
- 15.50 The submitted Arboricultural Assessment highlights the fact that there will be considerable importance placed on the necessity to appoint and authorise an Arboricultural Monitoring Consultant during the implementation stage of the development. This will need to be the subject of a condition
- 15.51 The Arboricultural Officer has also provided advice on the relationship between trees and the proposed buildings so as to avoid potential future complaints in respect of nuisance and shading. To this end, a shading analysis has been requested at three locations of concern. The shading analysis has shown that three units falls below the minimum acceptable lighting level and an alternative design solution has been requested from the applicant in respect of these units.

- 15.52 The submitted Design and Access Statement explains that the landscape proposal seeks to preserve and where appropriate restore the key elements that underpin the historic listing. In addition to the restoration of existing landscape features substantial new tree planting is proposed. This includes avenue planting to the spine road and the central north / south boulevard (within the Core) and new areas of buffer planting to the edges of the site. In terms of the wider visual impact, it is considered that the proposed development will have minimal impact due to the topography of the land and the visual enclosure provided by existing trees and development.
- 15.53 The Landscape Officer has confirmed that that he is content with the submitted Landscape Strategy as a 'concept' proposal. The Planning Statement suggests that it may be appropriate to discharge the landscaping condition (34) at least in part. The Landscape Officer has advised that the submitted details are not sufficient for either the full or partial discharge of this condition.
- 15.54 Overall, it is considered that the landscaping proposal will enhance existing landscape features and that this will help to create a high quality and locally distinctive landscape and public realm setting for the new development. The landscaping proposals are therefore considered to accord with local planning policies and the NPPF.

Public Open Space, Play Areas and Private Amenity Space

- 15.55 CS Policy PR1 states that the Council aims to provide a network of open spaces, and recreational opportunities that meet local community needs. DPD Policy DP16 sets down criterion (size of gardens) that should be provided within new residential developments. In addition to private amenity space, DP16 requires all new residential development to provide new public areas of accessible strategic or local open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space.
- 15.56 The architect has advised that, with the exception of two plots (plots 14 and 21 on Area D3) all of the gardens to the dwelling houses comply with the Council's adopted standards. The reason for plots 14 and 21 not complying is because officers have requested a greater separation between the existing mature tree and this terrace of properties.
- 15.57 The apartment buildings are provided with a small communal garden; in addition to this, the majority of the apartment units also have a large private balcony. The applicant acknowledges that the apartment buildings do not meet the requisite private amenity area for flats. They have however explained that the flats are set within or are very close to substantial areas of public open space and that this justifies the reduction in private amenity space. Officers would not necessarily disagree with this view.
- 15.58 The proposed development provides for a total of 23 hectares of open space and woodland. The areas of open space and woodland conforms to areas shown on Plan 11 attached to the s106 agreement for this development, albeit the configuration of these spaces have been amended to allow for a better form of development.

- 15.59 The submitted play and recreation strategy shows the proposed range of children's recreational opportunities on site and the coverage provided. It highlights that the majority of the new dwellings will be adequately located within a maximum of 5 minutes' walk or 400m from the nearest Locally Equipped Area of Play (LEAP). Additionally, the majority of the dwellings will be located within the 1km of an area of play specifically designed to cater for the needs of older, teenage children, who can be expected to walk a little further to reach a designated facility.
- 15.60 The strategic open space is over and above the 10% gross site area required by DPD 16. With regard to private amenity space, the proposal do not fully conform to the requirement of policy DP16, however the conflict is limited and is not considered to constitute a sufficient reason for refusal.

Ecology and Biodiversity

- 15.61 CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. DPD Policy DP21 seeks to conserve or enhance biodiversity. The policy places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity.
- 15.62 An extended habitat survey was included as a part of the outline planning application and ecology was a topic covered by the Environmental Statement. The Environmental Impact Assessment provided an assessment of the base-line conditions across the sites, predicted impacts were identified and mitigation measures suggested. The surveys revealed that a number of the buildings housed a bat population and one building was used by Barn Owls. The ecological reports noted that three species of bat were evident within the site and commented that the scale of redevelopment, together with the loss of flight lines with the adjacent Cuckoo Farm development, would have a high negative impact on the bat population unless appropriate mitigation measures are implemented. To this end, two were attached to the outline planning approval requiring further details of mitigation measures (including methodology, timescale for completion and long term maintenance and monitoring plan) in respect of bats, barn owls and wax cap fungi (condition 44) and an investigative survey to be undertaken to establish the presence of invertebrates (condition 43)
- 15.63 The ecology assessment and mitigation strategy submitted with the current application considers both the historical data collected from 2001 and range of targeted update surveys conducted in 2015. This report opines that the process of targeted survey driving mitigation and enhancement has focused an ecologically led master planning process. The report goes on to state that the retention of the site's important green infrastructure and enhanced sensitive landscaping will provide a mosaic of valuable habitats for identified ecological receptors as well as biodiversity in general.
- 15.64 Both Natural England and the Council's Ecological Consult (ECCOS) have advised that the submitted survey work is incomplete and, as such, the Council as the planning authority will not have sufficient information to determine the application. Following discussions with Natural England and ECCOS further ecological survey work and reports have been submitted (22 Feb 2016) for consideration. At the time of writing this report comments are still awaited from both Natural England and ECCOS.

- 15.65 With regard to the need to comply with the Wildlife and Countryside Act 1981 in respect of nesting birds etc., the applicant has advised that they intend to start removing the trees identified removal on the AMA Tree Survey the week commencing 21 March 2016. Officers have not raised an objection to these works as it is considered prudent for these trees to be removed before the start of the main bird nesting season.
- 15.66 Large sites can by their nature present a greater challenge in seeking to comply with the Environmental Assessment Regulations 2011. This is particularly case where the scheme is for a redevelopment of site that will be implemented over several years. The Regulations require that sufficient information is submitted to enable the “main” or likely significant” effects on the environment to be assessed and the mitigation measures to be described. It is for the local planning authority to decide whether it is satisfied, given the nature of the project in question, that it has full knowledge of its likely effects on the environment. If it considers that an unnecessary degree of flexibility and hence uncertainty as to the likely significant environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent. It is thus a planning judgment as to the adequacy of the ecological information submitted, having regard to the law.
- 15.67 It is considered that the ecological information with the additional material is sufficient to enable a determination of the reserved matters application. Whilst the information is sufficient to enable the reserved matters application to granted approval, the details submitted are not currently considered sufficient to enable the discharge of conditions 43 and 44 of the outline planning permission and further work is ongoing.

Residential Amenity

- 15.68 DPD DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.69 The application site is for the most part bounded by existing roads or commercial / leisure development. Residential properties do however back onto the triangular site accessed from Mill Road and residential properties face the west boundary of the site (formed by Boxted Road). It is considered that the residential properties located on Boxted Road are sufficient distance from the proposed new housing for the new development not to adversely their residential amenity. With regard to the property located on Mill Road, the proposed new dwellings are located 38m from the site boundary and have a front to back distance of some 48m. There is also an existing shelter belt of trees between proposed houses and the existing dwellings. Given the degree of separation between the house and the intervening screening it is not considered that the proposed development will have a significant adverse impact of the private amenity of the existing Mill Road residents.

- 15.70 Concern has been raised by some local residents that the proposed development would have a detrimental impact on their local amenity, in terms of construction noise and disturbance. During construction there would be some adverse impacts and these would continue throughout the course of the development. Planning conditions attached to the outline planning permission to mitigate the impact of construction activity. It should be noted that Environmental Control has not raised any fundamental concerns regarding the potential for noise pollution from construction activity and/or vehicular traffic and that the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.
- 15.71 Condition 3 part (b) requires details of sound attenuation / noise mitigation measures to be submitted before or concurrently with the submission of reserved matters for each phase. The updated Noise Assessment has been submitted to the Council which provides noise modelling (taking into account future growth and predicted traffic flows) and recommends noise mitigation measures. Environmental Protection has confirmed that the noise readings taken provide sufficient information and noise mitigation measures are acceptable (provided the scheme is implemented in full accordance with them). Given this, it is that the requirements of Condition 3, Part B of decision 151401 can be met and the condition discharged
- 15.72 For the reasons given, it is considered that there is no conflict with the intentions of the development plan or the Framework in respect of residential amenity and neighbourliness.

Transport and Accessibility

- 15.73 CS Policy TA1 – TA4 seeks to improve accessibility and change travel behaviour. DPD Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraphs 29 to 41 of the NPPF provide guidance on transportation matters.
- 15.74 The access details onto Boxted Road and the access onto VUR have been submitted as a part of the reserved matters application. The access arrangement from Nayland Road and Mill Road are the subject of a separate full application. The reason for this is that the land area required to facilitate the new junctions extends beyond the original site boundary of the outline planning approval.
- 15.75 The main vehicular access to the former Severalls hospital site was from Boxted Road. It is proposed to upgrade this junction as a part of the current development proposal. The principal access has already been constructed off the VUR to the east of the site to deliver the new primary school facility. These two access points are to be linked to provide the main spine road through the development. The spine road has been designed to accommodate a bus service (for the development and connecting to the wider area). The positions of the bus stops are indicated on the submitted drawings. A new access is to be created onto Nayland Road to serve the southern part of the site (Area E). This access will require a designated right hand turn which will need localised widening. The small pocket of development located to the south of VUR is to be served Mill Road access will need limited modifications to the existing carriageway

- 15.76 The main vehicular access points into site are the same as that proposed within the 2011 approved Masterplan. The Highway Authority has advised that they have no objection to the access arrangements and are satisfied that there would be no unacceptable adverse impact on the safety or free flow of traffic on the road network.
- 15.77 The concerns expressed about the traffic implications of a development of this scale are fully appreciated. Indeed it is understandable in the circumstances, that a single development proposal to construct up to additional 730 dwellings is perceived as too much for the community to absorb. It is however important to remember that outline planning approval has already been granted for this development and a series mitigation measures (conditions and s106 obligations) have already been secured to mitigate the highway impacts of this development. It is also important to note that the overall dwelling numbers have been reduced from 1,500 to 1000 dwellings and that this will result in a corresponding reduction in vehicular movements.
- 15.78 The scheme proposes a hierarchy of movement that follows the principles in the approved Master Plan. The road hierarchy and street dimensions are in accordance with the emerging highway standards. The street hierarchy allows for a permeable form of development that allows pedestrians and cyclists to move freely and safely through the development. The scheme also integrates fully with the adjacent highway networks and includes improvements to pedestrian and cycle links along Boxted Road and Nayland Road. New links are also provided to Tower Lane (a PRow), which is to be upgraded to a pedestrian cycle route as a part of the Severalls Hospital proposal. Comments made from the Council's Transportation Manager and ECC have (where feasible) been incorporated within the revised design layout.
- 15.79 It is not considered that this proposal would have a severe impact on the local highway network in terms of capacity or safety. Moreover, the scheme provides for the enhancement of sustainable modes of transport by giving priority to pedestrian and cyclists. In view of this, it is considered that the proposed development would accord with relevant development plan policies and national planning policy guidance set out in the NPPF.

Parking

- 15.80 Policy TA5 of the CS refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.81 The adopted 2009 guidance document requires a minimum of one car parking space for each one-bedroom dwelling and two spaces for each dwelling with two or more bedrooms. In addition to this, there is a requirement to provide visitor parking at a ratio of one visitor space per 4 dwellings.

- 15.82 Applying the adopted standards to the development mix (comprising 36 with one-bedroom dwellings and 694 with two or more bedrooms dwellings) a total of 1424 allocated spaces are required. With regard to unallocated visitor spaces, a total of 183 spaces are required ($730 \times .025$). The architect has advised that the current application proposes a total of 1670 allocated and 192 unallocated car parking spaces, creating an average of 2.55 per household. This figure exceeds the 2.5 minimum space requirements as set out by the adopted parking standards.
- 15.83 The minimum cycle standard is one secure parking space for each dwelling without a garage. The submitted drawings indicate that the cycle parking provision will be provided in accordance with adopted standards through a combination of policy compliant garages, garden sheds (for those without garages) and for apartments secure stores located adjacent to the entrance for each block.
- 15.84 Given the proximity of Western Homes Community Stadium it is likely that visitors or supporters to this or other attractions would seek to park for free on the internal estate roads were no controls put in place. The Design and Access Statement states that it is proposed introduce daytime controls via a controlled parking zone (CPC). These details fall outside the scope of planning and will need to be advance with the Highway Authority as a part of the roads adoption process.

Hydrology and Drainage

- 15.85 CS policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. DPD DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.
- 15.86 The issues of drainage and the potential for flood risk were fully considered as a part of the outline application. To ensure that these matters were dealt with expediently condition 1 part d of the outline planning approval requires details of foul and surface water drainage to be approved
- 15.87 The Drainage Strategy states that the proposals have been developed in consultation with ECC and Anglian Water and have been devised to take into account the constraints imposed by the large number of retained TPO trees within the site.
- 15.88 The LLFA has raised an objection to the proposals on the grounds of predicted runoff rates, water quality treatment and Urban Creep (allowance of up to 10%). The Drainage Consultant has responded to the issues raised. The LLAF has accepted the additional information regarding the proposed run off rates and has accepted a reduced Urban Creep level of 3% based on permitted development rights being removed. (At the time of writing this report the LLAF has not confirmed that submitted Drainage Strategy caters for 3% Urban Creep). With regard to water quality treatment, whilst the LLAF accept that SuDS treatment may not be possible given the site constraints, they have advised that alternative treatment should be provided using proprietary features such as petrol interceptors, with an explanation given as to how their treatment efficiency would appropriately address the pollution potential of the roads. There is currently uncertainty as whether Anglian Water will allow Petrol

Interceptors or roadside swales/filter strips etc. to connect to the adoptable drainage system. Officers are currently seeking clarification from Anglian Water on this issue; however it is the understanding of officers that is not Anglian Water policy to allow petrol inceptors to flow into their adopted system.

- 15.89 The foul flows from the proposed development will discharge to the foul sewer built as part of the NAR3 works. Two foul connection points to the NAR3 foul sewer have been provided along the south eastern boundary of the site to allow foul connection from the Severalls site. The development will be split into two separate catchments, equivalent to the surface water catchment areas and drained via S104 piped sewers. In respect of foul water drainage, Anglian Water has not raised an objection.

Compliance with S106 Requirements

Affordable Housing

- 15.90 The s106 legal agreement requires that 15% of the units on Phase 2 are provided as affordable housing. The agreement also requires the reserved matters application to be supported by an Affordable Housing Scheme and an Affordable Housing Tenure Scheme. The Affordable Housing Scheme requires amongst other items details of the number, location, area (both internal floor space and overall footprint) for each affordable unit and the proportion provided in the phase and/or sub phase. The Tenure Scheme requires details to be provided of the tenure mix between the affordable rented and intermediate units, details of the Registered Provider and a programme of construction and delivery.
- 15.91 The planning submission accords with this requirement to provide 15% affordable housing. The information submitted in support of this application is also considered broadly sufficient in terms of the Affordable Housing Scheme requirements. The applicant has advised that whilst they have had preliminary discussions with Registered Providers regarding the delivery of affordable housing on this site they have not as yet formally appointed a Registered Provider. No detailed information has been submitted on the tenure mix or the affordable housing programme of construction and delivery. The applicant has been advised that these details either need to be submitted or it will be necessary to amend the existing provisions the s106 agreement.
- 15.92 In respect of the points raised by the Housing Development Officer the agent has responded as follows:
- The affordable housing has been located across the development working with the intended character areas established at the outline stage. Many of the smaller units such as the 1 and 2 bedroom apartments are located close to The Core of the development in the higher density areas such as Area D and the frontage of the VUR. Clusters of affordable do not exceed 15 dwellings. The main change in the revised scheme is to relocate some of the affordable in Area B to locate the affordable away from the bridle path edge.
 - Dwellings such as 2-beds have been increased to comply with HQL standards with the majority of 3-bed dwellings capable of 5-person occupation as requested.

- The 3 affordable bungalows are provided and these meet part M in full.

15.93 There is much uncertainty in affordable housing provision at present as a result of changes at national level. At the time of writing this report, the Housing Development Officer has advised that issues surrounding proportional mix and tenure mix remain outstanding. It also needs to be demonstrated that the three affordable bungalows fully comply with category 3 Part of the Buildings. At the time of writing this report, amended details of the bungalow have not been submitted. A verbal update will be given.

Allotments

15.94 The S106 requires a site of not less than 0.72 hectares to be provided for Allotments. The application submission includes the provision for allotments in accordance with this requirement in the locations identified on the approved Masterplan.

Community Building

15.95 The S106 provides for a 0.4 hectare area to provide a Community Building. This area remains allocated for future community use and therefore is excluded from the current reserved matters submission. The community facility will be delivered under separate consent.

Play Areas

15.96 The S106 sets out the need for 12 LAPs (one of which 1 has already been provided at Phase 1); four LEAPs (one has already been provided at Phase 1); one NEAP and one Wheel Facility. The locations of the NEAP, Leaps and Wheeled Play Facility are shown on the submitted landscape strategy. The location and extent of the LAPS will be shown on a plan to be submitted and an update will be provided on this issue.

Mixed Use

15.97 The S106 provides for an area to provide a Mixed Use scheme. This area remains allocated for mixed-use in accordance with the approved Masterplan and is excluded from the current reserved matters submission.

Open Space

15.98 The S106 sets out a requirement to provide a total 6.06 hectares of open space across the Severalls Hospital site. This application provides 5.39 hectares of open space; this is in addition to the open space provided on Phase 1

War Memorial

15.99 The S106 requires the relocation of the War Memorial to an area identified on the approved Masterplan. The submitted scheme shows the reinstatement of the War Memorial.

Woodland

15.100 The S106 requires retention of c 9.9 hectares of Woodland within the site. This application proposes 10.56 hectare of woodland.

16.0 Conclusions

- 16.1 The current application will deliver 730 residential units and provide a choice of housing types with a range of prices (including 15% affordable housing) in a sustainable location. The development will contribute positively towards the Borough's supply of housing. There would be economic benefits as a result of construction activity, continuing the regeneration of the former Severalls Hospital site and the possible creation of additional jobs. There is sufficient evidence to be confident that overall the development would not cause significant harm to flood risk, noise pollution or would not have a severe impact upon the highway network; in terms of capacity or safety. The proposal will also provide sports, recreational and education and community facilities in this part of Borough. A financial contribution of £2m is also to be made for the delivery of the busway. The Framework has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials
- 16.2 A core planning 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. Weighing against the proposal is, first, the substantial harm to the established character and appearance of the grounds of the Severalls Hospital site, which are designated a grade II historic park and garden and the loss of a significant number of non-designated heritage assets. The context for this application has however been set by decisions that were taken prior to the publication of the NPPF. When the proposal is judged against the approved Master Plan it is seen to be substantially in accordance with this plan. The scheme would result in a heritage impact equating to less than substantial harm to the significance of the Administration Building (paragraph 134 NPPF), which is statutorily listed at grade II. This impact is considered to be balanced by the public benefits of the scheme. The lack of a comprehensive update bat survey also weighs against this proposal. It is however recognised that the scheme does offer the potential for ecological and biodiversity mitigation and enhancement in the long-term
- 16.3 In conclusion, it is considered that the benefits of the scheme significantly outweigh by any adverse impacts and, as such, Members are asked to endorse the officer recommendation that, subject to the outstanding issues highlighted in this report, the the Head of Commercial Services be authorised under delegated powers to grant reserved matters planning approval subject to the condition heads set out below.

17.0 Recommendation

Application 152733

It is recommended that subject to the outstanding issues highlighted in this report that the Head of Service be authorised under delegated powers to grant reserved matters planning approval subject to the following heads:

- Time Reserved Matters Applications (standard)
- Development to Accord With Approved Plans (standard)
- Amendment to specified plots / house types to address design issues(non stanard)
- Materials referred to in DAS Excluded (non-standard)
- Architectural detailing (non-standard)
- Front boundary treatment in the Core to be brick or brick & railings unless agreed (non-standard)
- Boundary enclosures to rear / side garden that front a public / semi-public space to be brick (non-standard)
- Tree protection and monitoring (non-standard)
- Highway amendments requested by HA (non-standard)
- No occupation until Bosted Road entrance completed
- Roads designed to 20mph details of traffic calming to be agreed (non-standard)
- Occupation trigger for the completion of the spine road. (non-standard)
- Estate Carriageway Construction linked to relevant occupation (standard)
- Parking space available / retained prior to occupation (non-standard)
- No construction traffic to use the entrance by the school at school opening / closing times(non-standard)
- Trigger point related to the repair / refurbishment of the retained buildings (non-standard)
- Recording of historic hospital buildings (non-standard)
- Informative controlled parking zone (non-standard)

Application 152794

Grant planning approval subject to the following heads:

- Time
- Development in accordance with approved plans
- No occupation until access has been completed
- Landscaping Details and Monitoring
- Tree Protection and Monitoring
- Construction Method Statement

18.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

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

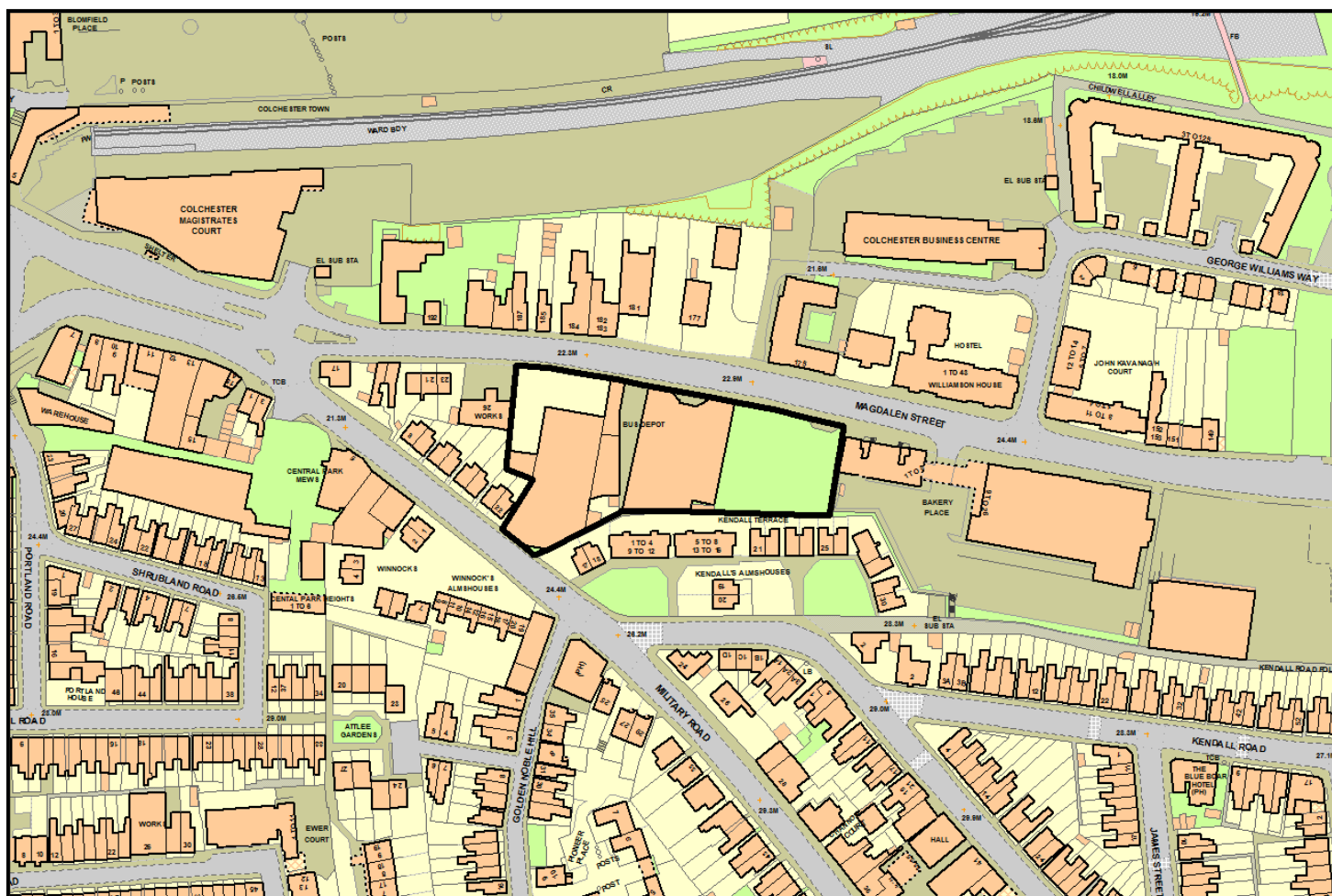
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

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

19.0 Positivity Statement

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



Application No: 160103

Location: Former Bus Depot, Magdalen Street, Colchester, CO1 2LD

Scale (approx): 1:1250

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7.5 Case Officer: Sue Jackson

Due Date: 20/04/2016

MAJOR

Site: Former Bus Depot, Magdalen Street, Colchester, CO1 2LD

Application No: 160103

Date Received: 20 January 2016

Agent: Miss Laura Dimond, Maddox and Associates Ltd

Applicant: Mr Robert Oates, Victorial Hall Management Ltd

Development: Demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across five blocks of one, two, three and four storeys to provide 230 bedspaces (61 cluster flats and 16 studio flats), communal facilities (to include bin stores, cycle stores, site management office, gym and communal amenity areas) as well as undercroft car park (20 car parking spaces), landscaping and a new public pathway through the site.

Ward: New Town

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application on which material objections have been received; a legal agreement is also required.
- 1.2 The application has also been “called in” for determination by the Planning Committee by Councillor Theresa Higgins for the following reasons:-

“It does not follow the aspirations for the site as set out in the Magdalen Street Development Site Jan 2014. It is over development of the site, blocks E and D seem to be squashed into the site and are not sympathetic the listed buildings at the rear of the site. It does not provide any additional units of accommodation to the help with the Borough's housing target. New Town needs more accommodation to cope with an ageing population not another block of accommodation for a transient population. The buildings appear to have been set further forward than the indicative plans in the planning brief and as set out in paragraph 4.2: having large scale forecourts. This will not help the air quality management of the site. The planning brief for the area also suggests that the expectation will be three storey buildings. In this application the buildings fronting Magdalen Street are all 4 storey.

The parking provision as set out in the planning brief is for 100% parking, this application does not provide the requisite amount of parking. "The site layout plan shows a total of 20 car parking spaces, which equates to a site wide average of 0.09 spaces per bed. Whilst this level of parking is lower than the 0.20 spaces per bed requested by CBC during the course of pre-application discussions, it should be noted

that anticipated demands are anticipated to be in the order of just 0.04 vehicles per bed." this is the quote from the transport report.

This application will be detrimental to the amenity of the existing neighbouring residents. There is no amenity space provided for in this application".

2.0 Synopsis

- 2.1 The application seeks full planning permission for the redevelopment of a brown field site for student accommodation; a sui generis use. The report describes the proposed development, the site and surrounding land uses.
- 2.2 The key issues explored below are the Magdalen Street Development Brief and other relevant policies; an assessment of and response to the representations; issues relating to air quality, highways/ parking, impact on adjacent properties and the surrounding area, heritage assets, flood risk and drainage are explained. Details of the proposed legal agreement are also set out.
- 2.3 The planning merits of the application are assessed and it is concluded that the development is acceptable, planning permission is recommended subject to conditions and a legal agreement being signed.

3.0 Site Description and Context

- 3.1 The site is irregular in shape and is best described as rectangular with a small projection on the south boundary. It has an area of 0.4322 hectares and has twin frontages of 104 metres to Magdalen Street and 13 metres to Military Road and backs onto Winnock Road. It was last used as a bus depot and is owned by Colchester Borough Council. The supporting information states the site operated as a bus and tram depot for over one hundred years with different parts of the site being developed since 1904 when the municipal tram service opened. The Heritage Statement sets out the history of the area and the development of Magdalen Street and the application site.
- 3.2 The Magdalen Street frontage includes a range of buildings and hard surfaced areas which were used for parking buses and other vehicles. There are limited tree and shrubs on the site predominantly along the side and rear boundaries. At the east end of the site is a large parking area behind a high wall and gates with a dropped kerb access to the road
- 3.3 The former bus depot building extends from the front to rear of the site and has a road frontage of approx. 27 metres, is approx. 37 metres deep and the brick façade to the road is approx. 7.5 metres high with the corrugated metal roofs projecting a further 2-3.5 metres. This brick and rendered frontage is divided by a series of substantial brick piers, it has large areas of glazing plus massive doors 6.5 metres in height. Behind the brick façade is the corrugated metal shed with a series of shallow metal clad roofs. The site also contains corrugated metal sheds generally open to the road with shallow pitched metal clad roofs a maximum height of 9 metres. A former tram shed is set back from the Magdalen Street frontage but abuts Military Road where the red brick façade is locally listed. The rear elevation of one of the metal clad sheds also fronts Military Road. Between this shed and the boundary of adjacent Almshouses is a narrow sliver of land previously used as a means of access from the buildings. The ownership of this land is unknown and it does not form part of application site.

- 3.4 The site also contains other smaller buildings including an electrical sub-station and fuel storage plus repair/servicing areas. There are three vehicular access points to Magdalen Street.
- 3.5 There is a significant change in ground level between Magdalen Street and Military Road with the latter being at a higher level (approximately one storey). Section drawings of existing and proposed buildings clearly demonstrate the difference in ground levels and will form part of the presentation at the committee meeting. Kendalls Almshouses to the rear of the site are approx. 2.5 - 3.5 metres higher than the site.
- 3.6 Magdalen Street is a classified road and described as a Radial Feeder, Military Road also classified is described as a Secondary Distributor. There are double and single yellow parking restriction lines in operation outside the site on Magdalen Street and a single yellow line in operation outside the site on Military Road. Residential streets in the vicinity have residents parking schemes.
- 3.7 The site is 250 metres from the town railway station, and 430 metres from the bus station. There are bus stops on both sides of Magdalen Street and Military Road. Colchester town centre is close to the site with Culver Square and High Street being a 10 minute walk away.
- 3.8 There are a range of uses and building of various styles and heights along Magdalen Street. On the opposite side of the road are buildings of a traditional design some of which are locally listed, generally 2 and 3 storey in height and include retail, office and residential use. There is also a restaurant and an MOT garage. The recently constructed Emmaus building is of a contemporary style and whilst mainly 3 storey includes a 4 storey element; whilst the YMCA building which is also relatively new is constructed of brick with pitched tiled roof and is 3 storeys in height. To the east of the site is a recently constructed residential building of a traditional style, 3 storey faced in yellow brick with a pitched tiled roof, adjacent is the Aldi store with residential development above constructed of red brick under a pitched tiled roof. On the west side of the site is Robertson's self-drive vehicle hire in a 2 storey building the offices are in a converted dwelling with residential properties adjacent. Magdalen Street is generally an area of a mixed use including residential, retail including food retail, office and commercial uses which include restaurants, a car dealership, petrol filling station and MOT garage; there are also sections of undeveloped or underdeveloped frontage.
- 3.9 The rear boundary of the site abuts Kendall Almshouses, no's 1-16, Kendall Terrace are Grade II Listed buildings other Almshouses in this group are locally listed. These Almshouses are located very close to the site boundary with the main amenity area at the front of the buildings; they are within the New Town Conservation Area the boundary of which is the almshouses boundary. There are also Almshouses to the west of the site 8-22 Military Road also locally listed these properties have small rear gardens ranging in length from 4-9 metres where they back onto the site. On opposite side of Military Road is Winnocks Almshouses listed grade I. A former PH, no 25 Military Road on the corner with Golden Noble Hill is also listed and there is a further listed building on corner of Military Road and Magdalen Street.

4.0 Description of the Proposal

- 4.1 The application is described “as proposing a dedicated student residence on the site”. The applicants Victoria Hall Management Limited established in 1996, is a private company that specialises in the development and management of purpose-built student accommodation. They provide high quality accommodation designed specifically for students. They own and manage over 7,000 beds throughout the UK. Their sites are designed to be safe and secure for occupants and surrounding communities”.
- 4.2 The application seeks planning permission for the demolition of the existing buildings and redevelopment of the site to provide student accommodation in five separate buildings; described as Block A, B, C, D and E, comprising one, two, three and four storeys. A total of 230 bedspaces will be provided in 77 units comprising 16 studios and 61 cluster flats. In addition to the bed spaces shared facilities including bin stores, 110 cycle spaces, a site management office, gym and communal amenity areas will be provided as well as 20 basement car parking spaces, landscaping and a new pathway through the site.
- 4.3 Blocks A, B and C are set back from the Magdalen Street carriageway by between 6.2 - 8.2 metres, this includes a widened footway of 2 metres. A loading bay is proposed outside Block B which will be used by service vehicles, deliveries and for dropping-off students during the initial move in. Cycle parking is also indicated to the front of Block B.
- 4.4 Block A is adjacent to the Robertson’s vehicle hire premises and is 3 storey with a central 4 storey element. A ramped vehicular access is proposed to 20 car parking spaces which are accessed from Magdalen Street via an undercroft and located at basement level and to the rear of the building. The provision of the basement car park will require a reduction in the ground level.
- 4.5 The ground floor of Block B includes facilities for the site and provides some active frontage with uses such as reception areas, communal rooms for the students, a laundrette and gym. The communal waste and recycling store is located adjacent to block B. This block is described as the “main security point from the site with all entrances to all buildings on the site visible from this corner”. Block B includes a 4 storey element recessed behind the frontage and a curved corner where it faces Block A.
- 4.6 Block C also fronts Magdalen Street and is part 3 part 4 storeys in height. The rear elevation of this Block steps up sequentially from one storey to two storeys, three and then four storeys as the distance from the rear boundary increases.
- 4.7 Block D is a smaller block and is located to the rear of the site adjacent to Kendalls Almshouses. The building has a curved roof and has no windows facing the Almshouses boundary. The building is 3 storeys high but is located at a lower ground level.

- 4.8 Block E includes the retained tram shed facade to Military Road the first part of new building is the same height as the façade then as the ground level is lower the block is 3 storey. Part of this building is above the parking area and this basement area also provides secure cycle parking.
- 4.9 The remainder of the Military Road frontage is opened up to provide a pedestrian link through the site to Magdalen Street. This link 4.9 metres wide at its narrowest point in effect creates a new street with the new buildings facing onto it. It is provided with a dropped kerb vehicular access and will be used by emergency vehicles to access the site. There is access from this path to the various Blocks and to courtyard amenity spaces between buildings and to areas of cycle parking. Sections of tram tracks are incorporated into these courtyards.
- 4.10 The supporting information indicates the footpath is proposed to be closed from dusk until dawn to ensure the site is safe and secure for students. Whilst it will be possible to wheel bikes along the path, as there will be a lot of pedestrian activity and cross movement between Blocks, cycling would not be appropriate.
- 4.11 The application proposes landscaping, including tree planting, along the Magdalen Street frontage and landscaped courtyards between the buildings.
- 4.12 Materials are indicated as brick elevations, plus small areas of timber cladding, a glazed facade to the communal areas fronting Magdalen Street and zinc cladding to the recessed four storey elements and flat roofs.
- 4.13 In addition to the application drawings and section the following documents are submitted:-
Air quality statement
Archaeological assessment
Biodiversity survey and report
Daylight and sunlight assessment
Design and access statement
Flood risk assessment and drainage strategy
Health impact assessment
Heritage statement
Land contamination assessment
Landscape details
Noise impact assessment
Planning statement
Statement of community involvement
Transport assessment
Arboricultural report

5.0 Land Use Allocation

- 5.1 East Colchester Special Policy Area
East Colchester Regeneration and Growth Area
Air Quality Management Area

6.0 Relevant Planning History

- 6.1 The planning history relates to the former use of the site as a bus depot.
- 6.2 A preliminary pre-application enquiry for the use of the site to provide student accommodation was submitted last year.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
CE2 - Mixed Use Centres
CE2a - Town Centre
CE2b - District Centres
CE2c - Local Centres
CE3 - Employment Zones
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

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

SA H1 Housing Allocations
SA EC1 Residential development in East Colchester
SA EC2 Development in East Colchester
SA EC5 Area 3: Magdalen Street

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

Backland and Infill
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
External Materials in New Developments
Affordable Housing
Cycling Delivery Strategy
Air quality management Guidance Note, Areas and Order
Managing Archaeology in Development
Magdalen Street Development Brief

8.0 Consultations

8.1 Essex County Council Flood & Water Management Planning & Environment

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 object to the granting of planning permission based on the following:

Inadequate Surface Water Drainage Strategy

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Detailed Drainage Checklist. Therefore

the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

- Provide Information about discharge rates – Where possible rates should be limited to the greenfield 1 in 1 year rate
- Provide sufficient information about the discharge location. – The discharge hierarchy should be considered when looking for surface water disposal solutions. Current proposals suggest discharge to a combined sewer which is the least preferable option. Evidence should be provided to demonstrate that alternative discharge routes are not viable at this site. Furthermore evidence should be provided to demonstrate that the proposed discharge solution would be acceptable to the owner of the receiving network.
- Provide information about the required attenuation volumes. – these figures should provide an allowance for climate change.
- Demonstrate that the proposed drainage system will sufficiently treat surface water runoff. This should be in line with the latest guidance in the CIRIA SuDS Manual (C752).
- Take account of the Colchester Surface Water Management Plan. The site is located within CDA03 and therefore additional care should be taken when assessing the impact of surface water runoff from the site. • Provide a drainage plan showing indicative locations for drainage features.

Officer comment: *The applicant has submitted revised documents which are being considered by Essex County Council, it is anticipated their objection will be removed prior to the Committee meeting.*

8.2 Environment Agency

We have inspected the application, as submitted, and have no objection subject to the conditions set out below. We have also provided some advice on drainage and sustainability.

Contaminated Land National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). The site overlies the superficial sands and gravels of the Kesgrave Formation/Lowestoft Formation (undifferentiated) designated as Secondary A aquifer. The London Clay Formation is the underlying bedrock, an unproductive deposit. The site is not within a Source Protection Zone. The Red Rock Geoscience Ltd, Phase 1 Desk Study, dated January 2016, has confirmed the previous use of the site does have the potential to have caused land contamination and, as such, site investigation and detailed risk assessment work will be required to determine the extent of contamination and the level of remediation required to ensure the protection of the water environment. We therefore consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

8.3 Planning Policy

National policy context

The NPPF (National Planning Policy Framework) contains various principles relevant to this proposal including commitments to promote vitality in urban areas and to encourage the effective use of previously developed land. The NPPF sets out a presumption in favour of sustainable development but maintains the primacy of Local Plans by requiring planning applications to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. Colchester has an adopted Local Plan comprising a Core Strategy, Development Policies DPD and Site Allocations DPD (and supporting Proposals Maps). The Local Plan is considered to be up to date and is not absent or silent on any relevant issues.

Local policy context

Relevant Council policy is set out in the Core Strategy (adopted 2008, amended 2014), Site Allocations DPD (adopted 2010) and Magdalen Street Development Brief (adopted 2014).

The Core Strategy includes a clear commitment to regenerate key locations of Colchester town to efficiently accommodate future growth requirements. Included in this strategy is the regeneration of east Colchester which is identified as a Growth Area in Policy SD1. The proposal site falls within this Growth Area as well as being situated in between the key regeneration areas of the Hythe and St Botolph's. Core Strategy Policy H1 sets out the Council's housing target from a spatial perspective and states 2,600 new homes are expected to be delivered in the East Colchester Growth Area up to 2021. Magdalen Street therefore plays an important role in the overall regeneration and housing delivery strategy set out in the Core Strategy.

The Site Allocations DPD (adopted 2010) contains a specific policy in relation to the regeneration of Magdalen Street. Policy SA EC5 Area 3 states that Magdalen Street will continue to attract the existing mix of commercial, residential, service and retail uses to complement its edge of centre location. The underlying purpose of this suggested mix of uses is to encourage vitality whilst ensuring future development does not affect the amenity of neighbouring housing areas.

In recognition of the site's potential, the Magdalen Street Development Brief was prepared and adopted in 2014. The development brief sets out the Council's expectations of future development proposals in the area including what it considers appropriate uses, accessibility improvements and suitable design principles which should be applied. The development brief also highlights the existing range of inefficient and inappropriate land uses in the area which provide significant opportunities for comprehensive redevelopment.

Conclusions

Whilst the proposal is for a purely residential scheme, not the mixed uses encouraged in the Site Allocations DPD, it falls within a wider area of mixed use developments on Magdalen Street including recent retail additions. The scheme satisfies the principal rationale for local policy in this area which is to facilitate the regeneration and redevelopment of previously developed land, situated in a very sustainable location. The proposal is considered to achieve these objectives and is therefore in accordance with local and national policy.

8.4 Urban Design Officer

The application has significantly improved informed by pre-application dialogue and due to the applicants responsive approach to issues raised. I feel the scheme now generally represents good design as defined in the NPPF and reasonably complies with guidance outlined in the adopted Magdalen Street Development Brief. I am therefore happy to support it, though with a few minor revisions which might be agreed through condition.

The scheme is relatively dense, though now realistically moderated and articulated in response to the local context, for example having regard to local character and neighbours, and positively contributing to the Magdalen Street scene. The height and massing of buildings should ultimately be design led in response to the context. Proposed buildings to Magdalen Street would be a varied mix of 3-4storeys, with the relative slight increase in general height mitigated by the building being set-back from the street, which effectively reduces the street enclosure, and top floor set-backs meaning from the street the frontage will be perceived as predominantly 3 storey. The use of flat roofs further minimises the sense of massing.

The massing would also be pleasingly broken down into more human scale parts and building plains (occasionally emphasised by gaps between buildings), in response to the area's historic plot-derived character, yet providing a coherent structure which is honest to the use. Street trees would further soften the street scene.

The scheme appears cleverly arranged, modelled and fenestrated to reasonably mitigate (privacy, outlook and shadowing) impact on neighbouring housing to the south and southwest, utilising beneficial levels and sunpath, e.g. (i) Block D is three storeys, though replaces a large building, is just over a storey below adjoining housing to its north (considering sunpath) and the 2nd storey is in an attractively recessive barrel roof form with no facing windows, (ii) Block C, which is also to the north, is stepped and windows positioned to avoid unreasonably overlooking neighbouring Almshouses, helped by boundary walls and land dropping approximately a storey in height into the site, (iii) windows to Block A (to the north) and E are angled to avoid unreasonable overlooking of neighbours, and (iv) Block E's immediate massing appears no worse than that existing seen from neighbouring homes to the northwest, would have no facing windows and the 3 storey element is further away and to the north.

The historic building frontage to Military Road is retained, whilst other features are incorporated including tram lines and motif.

The scheme's architectural expression is crisply contemporary, though has historic references and responds to specific contexts. It would complement the mixed local character setting and combined with the modelling of buildings provides reasonable design interest and distinction which should uplift the overall perception of the street, subject to reassurances over the use of high quality details and materials which will be important in carrying off the intended design style.

Car parking provision appears adequate for the particular residential use, assuming this is supported by the travel plan. It should also be noted that on-street parking is protected by local parking restrictions and I understand the legal agreement will not allow residents of the scheme to obtain on-street permits.

A much needed new pedestrian through-route is provided between Military Road and Magdalen Street. The juxtaposition and design of framing buildings and landscaping would provide an attractive, legible and interesting new street. Sadly, public access would be restricted to core hours, though I accept the applicant's reasoning for this being to secure the site out-of-hours relating to the particular residential use.

The Urban Design Officer has suggested minor amendments to the scheme and these revisions have been included in revised drawings.

8.5 Highway Authority

Due to the nature of the proposal, the Highway Authority is content it would not be detrimental to highway capacity and safety. The site is also accessible to local services and public transport facilities. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

8.6 Historic England

Summary

The proposed redevelopment of this major site adjacent to the Colchester New Town Conservation Area would transform the appearance of this section of Magdalen Street in a positive manner. Historic England is satisfied that the scale, massing and detailed design of the overall scheme are contextually sensitive and we would have no objections to the approval of the planning application.

Historic England Advice

Historic England consider that whilst the existing bus depot buildings do provide an intrinsically positive architectural contribution to the streetscene, the application site does not lie within the conservation area and we would not object to their demolition. The proposed change of use of the site to residential would have greater conformity with surrounding land uses and we are satisfied that the scale and massing of the five accommodation blocks, with a maximum height of four storeys - penthouse storey set back - would not be overbearing in this prominent location. They would not cause harm to the setting of the listed Kendall Almshouses. Whilst the new development could not be set at back of pavement as before for environmental health reasons, the resultant siting of the blocks provides the opportunity to soften their immediate setting. The proposals would be in accordance with guidance in the National Planning Policy Framework and our view is that on balance, the character and appearance of the proposed student accommodation would enhance the streetscene of this part of Magdalen Street.

Recommendation

Historic England consider the proposed redevelopment of this major site would not cause harm to the significance of the setting of the abutting grade II listed Kendall Almshouses or the adjacent Colchester New Town Conservation Area. The scale, massing and detailed design of the residential scheme would be an enhancement on the current streetscene in this prominent location on Magdalen Street. We would have no objections should your authority be minded to approve the application for planning permission.

8.7 CBC Recycling Manager

In their Design and Access document they state: On collection day the site manager will take the bins to the front of Block B and they will be collected from the servicing/loading bay. Is the site manager permanently based on site, as the bins will need to be presented at 07:00am on the day of collection, and what will happen if the loading bays are occupied when the vehicles turn up, as there appears to be no other parking or stopping point? I would like to point out the vehicles, depending on operational issues could arrive on site anytime between 07:00am and 4:00pm on the day of collection.

Officer comment: *In response to these comments, Victoria Hall Management has confirmed that there will be management present on site 24/7, so they will be able to ensure the bins are taken out at 7:00am.*

In response to the query relating to the functioning of the loading bay, our transport consultant has confirmed that the loading bay will be subject to a Traffic Regulation Order that restricts its use for loading activities.

8.8 Environmental Protection

No objection subject to conditions.

8.9 Environmental Protection Contaminated Land Officer

A Phase 1 Desk Study Report has been submitted in support of this application. This report is acceptable for Environmental Protection purposes. It has identified some potential sources of contamination which require further (intrusive) investigation and risk assessment, including ground gas risks. The applicant's attention is drawn to their consultant's recommendations with respect to asbestos and unexploded ordnance.

However, based on the information provided, it would appear that the site could be made suitable for the proposed use, with the necessary additional investigations and (where necessary) remediation and validation dealt with by way of condition. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of conditions.

8.10 Archaeologist

The proposed development is located within an area of high archaeological interest. The desk-based assessment has shown the application site to have a high potential for encountering medieval and post-medieval activity, particularly along the street frontage, and potential for earlier archaeological remains. In addition to below-ground remains, the application concerns the redevelopment of the Former Bus Depot, part of which is a locally listed heritage asset and aspects of the building are of historic significance.

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 141), 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.

8.11 Landscape Officer

It is recommended that if the current proposals are agreed in principal at this stage then compliance with the recommendations regarding tree species, location and planting specification should be secured under a bespoke condition in support of the above recommendations, i.e. a bespoke condition ensuring that any detailed landscape proposals that are submitted to discharge these conditions are drawn up strictly in accordance with the recommendations outlined in this consultation, notwithstanding the current proposals.

8.12 Natural England has no comments to make on this application.

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 A single representation in support and 11 objections have been received (not all the objections are from residents adjacent to the site)

1.0.2 The Clerk to the Winnocks and Kendalls Almshouse Charity has submitted the following objections: The Charity is the land owner to the south of the site of the bus depot and is concerned that as land owners clearly affected by the proposed development we have not received any notification relating to the application.

Officer comment: *The Almshouses were each notified individually.*

10.3 We have been in touch with the Chief Executive Officer of your Council, to ask him for details relating to the ownership of the boundary and retaining wall between the bus depot and our property. The integrity of this boundary and retaining wall is of vital interest to the Charity. It will be a necessity of entering into a party wall agreement with the developers. We would wish to know what conditions you will place upon the developers regarding sustaining the integrity of the retaining wall. Would you place a bond on the developers whereby the possible costs of damage to the retaining wall are insured by them? Kendall Terrace is a Listed Grade II*. It is situated within 10 meters of the retaining wall. Will you be reporting the application to the English Heritage for their comments regarding the planning application? When asked at the exhibition by the proposed developers with regard to their plans for student accommodation as to what parking requirements the students would have and be provided with we were told that students would not be allowed to have cars. This is somewhat surprising and we are particularly concerned as to the effect on New Town of having cars parked willy nilly and causing disruption to residents living in the immediate area. We were told that no survey had been commissioned by the proposed developers as to the demand for student accommodation at the proposed site. This calls into question the viability of the whole scheme. We would not wish to see a development which would be subject to risk of not meeting economic viability. We trust this matter will be called in by your Council for consideration by the full planning committee and will not be delegated to officers for decision.

Officer comment: *Whilst land ownership and boundaries are not a planning matter in this instance the Council is the land owner. CBC Estates Manager has responded "I have met Mr Siggs on site to discuss the issue of the boundary walls – the meeting was amicable and we agreed that the neighbour would be consulted by the developers"*

in the normal way once planning is secured and before construction commences. It is noted that along approximately half the boundary of the site is an existing footpath which provides a buffer between the almshouse site and the former bus depot. There will not be any party wall issues along this portion. Effectively the wall to the perimeter of the almshouses will not be affected. Of the remainder of the boundary part is the wall of the existing bus depot building and part is a boundary wall. The walls of the existing bus depot building on the boundary are owned by CBC and are not party walls. The remaining boundary walls are thought to be owned by CBC. Where the walls on the boundary are existing bus depot building these will be either fully or partly demolished down to approximately 2m in height as part of the redevelopment and as appropriate a suitable boundary treatment will be reinstated. There are no plans to demolish any of the remaining boundary walls. We do not think it is appropriate to impose any overriding obligation on the developer for any boundary wall or party wall agreement or the need for insurance at this stage. The onus will be on the developer as part of its works to ensure that no nuisance or detriment is caused affecting the almshouses site”.

10.4 Sir Bob Russell

The application is contrary to the 2014 Magdalen Street Development Brief. The proposed use density and height are contrary to the brief. What from the brief of substance or recognisable status is there in the application?

The application makes this the worst proposed development ever to be inflicted on New Town Ward. The proposed development is not in accordance with other new buildings such as the YMCA Foyer, Emmaus, Aldi with flats above and the 3 residential infill schemes on the other side of the street. The appearance is bad enough but to cram so many students into one development within feet of listed Almshouses is totally unacceptable to the elderly residents and to the students. Late noise parties and other student behaviour is inevitable and who will police it

I strongly urge the council to reject the application as being inappropriate to the area due its height density high concentration of student accommodation in close proximity to established elderly persons accommodation and in appearance not in accordance with other recent development in the area which is in accordance with the historic character of the area.

I have also previously requested that the end wall in Military Road is retained in any development.

10.5 Other objections

One supports the comments made by Sir Bob Russell. Other objections are summarised below:

- There are already too many houses and flats in the area, the development should be built nearer the university.
- Magdalen Street is already suffering from air pollution with the high traffic throughput, so a smaller development would not have such a detrimental effect.
- Colchester is already overwhelmed with 3, 4 and 5 storey flats and this should be controlled, particularly when they overlook ordinary houses.

- The developers have clearly attempted to squeeze maximum profit out of this site by creating a monster complex which is too high, deep and ugly.
- The authority should be extra mindful of the problems already attached to this locality being only 200 metres from Kebab Alley (aka St Botolphs Street).
- The authority via street wardens, or the police, will never be able to keep the lid on problems. They don't have the resources.
- It will take the council's 'vibrancy' policy to a new level and be marvellous for the "up to 3am" night time economy. But will be no joke for neighbours in Magdalen Street or anyone else with an eye on how the area is changing.
- Surely, The CBC's goal is to make Colchester T/C a more pleasant place to visit by careful planning and improving community relations. Approving these plans for this purpose will send it backwards.
- The style and size of the building is completely out of character with the area. At least the Aldi building has brickwork facades and some attempt at character. The proposed style may be OK in the 'flat city' of Hythe, but not here on the edge of the conservation area. Magdalen Street deserves better than this, now recovering after years of neglect and blight.
- It seems a great shame that one of the few buildings of any architectural merit is to be demolished to make way for yet another ugly utilitarian student ghetto. This building should be preserved as the starting point of a genuine regeneration plan for the area. No proposal should be permitted which destroys the original tram depot and facade of the bus garage in their entirety. The historical merit of these buildings should not be underestimated. With sympathetic redevelopment, their architectural merit can also shine. If this is approved, those responsible will have irreparably destroyed a part of Colchester's heritage.

Officer comment: *Historic England was consulted and do not object to the demolition nor development please see response set out above.*

- Surely the planning process is about scrutiny of proposals to ensure the long-term benefit of the town, not the short term financial benefit of property developers? If we must take more and more houses and homes, should we not at least make these developers pay to create the highest quality developments?

10.6 Colchester Cycling Campaign This is not a good site for student accommodation unless cycling and pedestrian links to the town centre and university are vastly improved to the standards of the East-West bike route currently being built in London. Thought should be given to putting such tall buildings on a busy road. The height could lead to a canyon effect whereby cancer-causing vehicle fumes are trapped at street level, increasing the dangers of air pollution; I believe this would have implications under the Human Rights Act. If the plan is approved CCC would like to see a substantial s106 or CIL supplement towards local cycle routes.

10.7 Residents of two of the almshouses have objected for the following reasons

- The bus garage was far too close in proximity to the flats making the noise almost unbearable at times, especially at night. Noise from students will be just as intrusive and may possibly be present much of the day as well as at night.
- Whilst from the plans it does not appear that there will be any four storey flats immediately behind the boundary wall, there does appear to be some accommodation planned close to the wall, possibly creating a noise problem.
- There is no car parking within the gates of the almshouses and I have a parking permit which enables me park in recognised areas of street parking. There are already insufficient spaces for all those who wish to park

- Before the public house opposite Winnock Road closed down there were often problems with young people becoming very rowdy and frightening some of the residents. There are elderly and very vulnerable people living here who are worried about this development and who do not seem to have been considered when it was conceived.
- In the wider context, the planned flats do not appear to be in keeping with the area

10.8 One letter of support “I strongly agree with this proposal as there is a requirement for good quality student housing in Colchester but have the following 2 concerns with the development.

1. There are bus stops on both Magdalen Street and Military Road adjacent to this development please can bus stop lay byes with bus shelters be installed on both of the respective roads to ease traffic flows. As both Magdalen Street and Military Road can get very congested with traffic especially at rush hour I feel this would be a positive development.
2. As there are an increasing number of disabled students at the university. I question why a room with disabled facilities and a disabled car parking space has not been designated in the plans.

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

11.0 Parking Provision

11.1 Members should note that there is no specific category within the adopted Car Parking standards that deals with off-campus student accommodation. The Maltings development for student accommodation at Haven Road achieved 1 space for 5 students applying the nearest applicable standard for residential education establishments - Further/Higher Education where a maximum vehicle parking standard is 1 space per full time equivalent staff + 1 space per five students.

11.2 This application proposes 20 spaces which equates to 0.09 spaces per bed space. However the applicant estimates the demand will actually be lower at 0.04 vehicles per bed space.

11.3 The supporting information states that “the proposed parking spaces will be reserved for staff, disabled students and essential users (e.g. students that are enrolled on courses that require them to use a car perhaps due to ‘out of hours’ commitments). Those students that are not eligible for a parking space will be required to sign a lease that includes a clause preventing them from bringing a vehicle to Colchester during term time.

A Travel Plan is proposed to encourage students to make use of more sustainable modes of transport when travelling to/from the site and an Operational Management Plan will be implemented which will include measures relating to pedestrian, cyclist and vehicle access, as well as measures to manage student arrivals and departures at the beginning and end of the academic year.

- 11.4 The supporting information indicates the key elements of the Operational Management Plan in relation to traffic and parking management in these periods are:-

“Student Arrivals:

The vast majority of student arrivals are evenly spread over a three-day period (i.e. Friday to Sunday) between 9am and 6pm, usually during the third week of September; Prior to arrival, every student is allocated an arrival slot (for duration of circa 20-minutes) and is provided with directions to the site. All students are informed that once belongings are unloaded, cars must be removed to nearby public car parking.

Residents will also be encouraged to use nearby public car parks rather than parking directly outside the site for unloading; albeit the shared footway / drop off / pick up and loading bay provided on Magdalen Street will also be made available.

The Halls management team will employ students to act as guides/traffic marshals, who manage the flow of vehicles.

Students will also be employed to help unload cars so that they can be moved to nearby car parks.

Student Departures:

Students move out of accommodation more gradually, over a period of 5-6 weeks during late May to June, meaning there is not the same pressure as during the arrivals period.

During the departures period, students will be able to utilise the drop off/pick up layby provided on Magdalen Street to collect their belongings. Cars will not be permitted to be left unattended, and once loading has finished students will be directed to nearby public car parks.

Such management strategies have been successfully employed at other existing halls of residence operated by Victoria Halls across the UK”

The above parking standard requires 1 cycle space per 5 staff and 1 cycle space per 3 students - 110 spaces are proposed which exceeds this standard.

12.0 Open Space Provisions

- 12.1 Whilst Policy DP16 of the Adopted Development Policies document states residential development will be expected to provide publicly-accessible areas of open space and as guideline at least 10% of the gross site area should be utilised for this purpose, Members are advised that there is no specific policy standard that relates to the provision of student accommodation.
- 12.2 The submitted scheme includes a landscaped area to the Magdalen Street frontage. It also proposes a pedestrian link between Magdalen Street and Military Road which will be available for public use between dawn to dusk. In addition there are courtyard amenity areas of hard and soft landscaping within the site between the buildings.
- 12.3 The proposed amenity space provision is considered acceptable and in terms of the areas of the site visible in the public domain these will enhance the amount of green space.

13.0 Air Quality

- 13.1 The site is within the Air Quality Management Area. The specialist consultant employed by Environmental Protection to assess the Air Quality Assessment Report has commented:-

“I have taken a little time to assess this report. The design of the buildings won't introduce further street canyons (although some are raised in height) and modelling predicts that they may actually improve pollutant dispersal consequently reducing concentrations at the existing properties in Magdalen Street opposite the site.

Exceedances of NO₂ were predicted at the north façade of Block A and Block C and mechanical ventilation is proposed for this location to prevent exposure. I would note, that the existing AQMA will need to be extended to cover these properties as per Defra guidance.

- 13.2 Along with the mechanical ventilation, other mitigation measures have been proposed;
- Provision of a Travel Plan – This should be monitored
 - Electric heating to avoid NO_x emissions from boilers raising background pollutant concentrations
 - 110 secure cycle parking spaces
 - 2 EV charging points 10% which is consistent with the draft Technical Guidance for Air Quality
- 13.3 Subject to the above mitigation being conditioned and provided, I am satisfied that the development (with the proposed mitigation) is acceptable on air quality grounds. For the mechanical ventilation, this should be a suitable domestic system compliant to the relevant British Standard and Building Regulations and that a plan of commissioning, ongoing inspection, filter replacement and other scheduled maintenance is required.

Officer comment: These requirements could be secured by conditions.

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that were considered appropriate and satisfy the CIL tests and will be agreed as part of any planning permission are
- Upgrading of 8 buses with a catalytic reduction system
 - Upgrading to current ECC specification including real time information of a bus stop
 - Travel Plan including monitoring
 - CCTV (the applicant will be installing a private CCTV system) a link is sought to the Council's CCTV network
 - Provision of a pedestrian link through the site to connect Military Road to Magdalen Street
 - A prohibition on students being issued with a residents parking permit
 - Widening of footways to Military Road and Magdalen Street

15.0 Report

Policy Context

15.1 Policy SAEC2 and SAEC5 in the Site Allocation Document are relevant to this application and are summarised below;

Policy SA EC2 Development in East Colchester

Development within the East Colchester Regeneration and Growth Area will be permitted provided it complies with all the relevant key criteria, as set out below:

- All developments shall provide for a balanced and integrated mix of uses that are compatible with the comprehensive regeneration of East Colchester as set out in the Core Strategy
- Contributions will be required from all developments towards the provision of infrastructure and/or environmental. Where appropriate contributions will also be sought towards the delivery of a comprehensive network of footpaths and cycleways across the whole of East Colchester, Public transport improvements, Environmental enhancements to improve green links through the area.
- All applications for development will be required to include, where appropriate; a transport impact assessment; flood risk assessment; proposals to provide and/or enhance infrastructure for the community or the environment; proposed decontamination measures.

15.2 Adopted site allocation

Policy SA EC5 Area 3: Magdalen Street

To the north of Magdalen Street, housing areas will be extended and consolidated, but other small-scale uses will be permitted provided they are compatible with the overall housing proposals. New development on the south side of Magdalen Street shall continue the existing mix of commercial, industrial, service and retail uses. Proposals must not adversely affect the amenity of neighbouring housing areas. Development shall accord with the more detailed criteria set out in the adopted Magdalen Street SPD.

15.3 Development Brief

The development brief is a supplementary planning document and is a material consideration in the determination of the application but the brief clearly states that it is not intended to be prescriptive, but is to be used to guide future development in the area. The brief is part of the decision making process and weight will be given to the details during the determination of relevant planning applications. The document provides general information for members of the public about possible future changes in the area and what type and form development may take.

15.4 The brief considers sites on the edge of the town centre which currently have relatively inefficient land uses and considered suitable for regeneration. These sites with the existing range of local facilities and uses makes this part of the borough a sustainable location.

- 15.5 The brief identifies the “vision for Magdalen Street is to regenerate this street as a 21st century gateway to the town centre. In virtually every town and city there is a pattern of small scale mixed use environments combined with houses and flats. For Magdalen Street there is the opportunity to create a vibrant community and small scale, compatible uses associated with an edge of centre gateway. Architecturally the Council will seek contemporary responses to the existing character and densities appropriate to the edge of centre location. In most sites the expectation will be for three storey development with ground floors that offer a robust range of small scale use opportunities”.
- 15.6 The purpose of the brief is to:
- Provide a sustainable and coherent development framework for the area that promotes comprehensive redevelopment of the sites;
 - Provide details of the local and national policies relevant to this area;
 - Outline the key constraints in the area and the opportunities that exist;
 - Promote a mix of uses that can co-exist and complement uses elsewhere in the vicinity;
 - Outline the Council’s expectations of delivering improvements to accessibility of the area by walking and cycling, community infrastructure, the public realm and streetscape, and improving the air quality through the redevelopment of the area; and
 - Outline the design and development principles and the parameters of expected design quality.
- 15.7 The development brief provides the basis for a coordinated and comprehensive approach to future development that can achieve greater economic, social and environmental value in the area. The development brief provides a guide for proposals and must be considered alongside adopted local and national policies. The development brief therefore does not preclude student accommodation or buildings with 4 storey elements. What the brief does require is for any development to minimise impact on the Air Quality Management Zone for traffic levels associated with any development to be limited, buildings to be set back from the carriageway with large scale forecourts and tree planting and for a reduced parking standard to be considered. This proposal requires limited parking and would generate a very low level of traffic, the buildings are also set back from the carriageway and tree planting is proposed to the road frontage. The brief promotes an active frontage to Magdalen Street and whilst the proposed development does locate the communal facilities along part of this frontage they will not achieve the same degree of activity as shops or commercial uses. However this is not sufficient reason to refuse the application.
- 15.8 The brief describes the area as “mixed-use of predominantly commercial buildings interspersed with some residential units. Building styles at the western end of Magdalen Street largely reflect its development in the late 19th and early 20th century and are of primarily red brick construction. Various nationally and locally listed buildings are found within this area which provide an important historical context that should be enhanced and incorporated into any future design and site layout”. The development retains the locally listed tram shed faced onto Military Road and tram lines are incorporated into the amenity space. The impact on heritage assets is discussed in more detail below. The brief also promotes a pedestrian link between Magdalen Street and Military Road and this is included within the layout.

Design and Layout

- 15.9 A contemporary architectural style is proposed; the development brief indicates a contemporary approach is acceptable. The elevations are predominantly brick; red, dark and buff bricks are indicated, and the buildings have flat roofs. The detailed design includes elements of timber cladding, zinc cladding and curved roofs. The retained façade of the tram shed will have a tiled roof.
- 15.10 The buildings front Magdalen Street and Military Road and provide built form in the street scene where currently there are unsightly gaps. The proposed buildings to Magdalen Street are set back behind a soft landscaped strip. The buildings also face a pedestrian link through the site. The buildings will each appear as a separate structure due to the gaps between them, the use of curved elevations, and fourth floor elements being recessed and the use of a different material –zinc cladding. A plaque of the borough coat of arms will be installed on the frontage following demolition of the existing building.
- 15.11 It is considered the contemporary design would complement the local mixed character and the modelling of the buildings provides design interest. The Urban Design Officer has referred to the importance for high quality details and materials and conditions requiring materials and finishes to be approved plus large scale drawings of all the architectural features including window reveals, recessed water goods and windows and ground floor glazing are proposed.

Scale, Height and Massing

- 15.12 The proposed development comprises 3 blocks; Blocks A, B, and C, fronting Magdalen Street. Each block is broken up with a varied roof line and elevational treatments. There is a gap of 5 metres between Block A and Block B, which will allow views through the site and also breaks up the massing of the development. These 3 blocks comprises both three and four storeys elements with the taller four storey elements located towards the centre of each block and the lower elements to either side. In some places the 4 storey element is recessed behind the frontage and is also constructed of a different material. Whilst the development includes some 4 storey elements the development is below the ridge height of the adjacent residential development in Magdalen Street. The elevation drawings show the proposed buildings and their height relative to adjacent buildings.
- 15.13 Blocks D and E are located behind Blocks A and B. Block C will however extend close to the rear boundary with the Kendalls Almshouses but will decrease in height towards the boundary; this element is described in more detail in the “Impact on neighbouring properties” section below.

- 15.14 Blocks D and E are located on the southern side of the site. Block D is part-two and part-three storeys in height, and block E is part-one, two and three storeys in height. It is considered that the scale and massing of the proposed development is appropriate in the context of the surrounding area, and scale of surrounding buildings in this edge of centre location.. Given the changes in ground levels, the first storey of the proposed new development sits below the ground level of the Kendalls Almshouses to the rear. The rear garden wall to the alms-houses is also quite substantial in height. As such, in places 2 storeys of the proposed scheme sit, almost entirely, below the existing garden wall.
- 15.15 The locally listed façade of the former tram shed is retained and incorporated into block E on the Military Road frontage.
- 15.16 Members will note that the development does propose some elements of 4 storeys but the majority of the built form is lower. In considering the appropriateness of the heights of the development it is important to consider the context of the surroundings and the change in ground levels between Magdalen Street and Military Road. There are various redevelopment schemes in the area including the Emmaus and YMCA buildings the former has a 4 storey element. Residential development on the east side of the site is 3 storeys height but the pitched roof means it is higher than the 4 storey elements of the proposed buildings. It is considered that the design and arrangement of the development is acceptable within this setting. The upper storeys are generally set back from the principal façade in the manner of a penthouse. The curved nature of elements of the buildings and the use of materials will help to break up the mass of individual elements. Furthermore the higher elements of the development would read as a series of smaller scale projections that would add visual interest to the roofline of the building.

Impact on Surrounding Area

- 15.17 The current appearance of the site which comprises vacant buildings and unsightly gaps presents an unattractive and run-down appearance on one of the main approaches to the town centre. The proposal will have a positive impact in the street scene. It will also introduce a soft landscape edge incorporating trees across the frontage in a street which currently has limited landscape features.
- 15.18 The use will generate limited vehicular movements this is also a positive impact particularly when compared to the previous bus depot use, which included buses travelling along the road as well as maneuvering within the site.
- 15.19 The frontage to Military Road will also be improved by the demolition of the depot sheds and the opening up of the frontage to provide a pedestrian link. This link would benefit local residents providing easier and safer access to town centre, the Town station and other bus services. Local businesses are likely to benefit from an increase in trade.

Impacts on Neighbouring Properties

- 15.20 The scheme has paid regard to the amenities of neighbouring properties; in particular the Almshouses to the side and rear. The cross section drawings show the height and location of the Almshouses and proposed building; these drawings will form part of the presentation to committee and will demonstrate how the buildings have been designed so they are not overbearing and do not overlook neighbouring properties. The uses next to the site on the Magdalen Street frontage are Roberton's vehicle hire premises and a flatted residential building it is considered there is no adverse impact on these properties.
- 15.21 All the blocks have the potential to have an adverse impact in terms of overlooking of the Almshouses, these issues are discussed below and it is explained how the design prevents any adverse impact.
- 15.22 Part of the rear elevation of block A faces towards the rear of 16- 22 Military Road however the rear of this block is approx. 13metres from the boundary and the rear elevation has a "saw tooth" profile and the proposed windows are aspected towards the internal court yard not the rear boundary. Block B, with the exception of the fourth storey element is hidden by Block D. The windows in the fourth storey element of Block B are at the same level as the roofs to Kendalls Almshouses and are located some 15 metres from the boundary.
- 15.23 Block C, which is "T" shaped extends close to the boundary with Kendalls Almshouses but the number of storeys reduces towards the boundary. There is a significant level distance at this point; the top of the garden wall of the Almshouses is 5 metres above the ground level - the first full storey is below the garden wall so is not visible from that level. The third storey of this block would be just below the roof of the Almshouses and set some 8 metres from the boundary. Where this building is close to the rear boundary rooms are lit from the side and the closest windows in the rear elevation will be a minimum of 13 metres from the boundary.
- 15.24 Block D is close to the rear boundary with Kendalls Almshouses currently there is a metal shed along part of this boundary higher the proposed building. The design of Block D includes a curved roof towards the Almshouses with no windows on this elevation. Again the section drawings demonstrate this building will not overlook or have an overbearing impact on residents.
- 15.25 Block E extends along the side boundary of 22 Military Road, the site has a substantial metal shed extending the full length of the side and rear boundary of this property. This shed is on the boundary with windows on both side and rear elevations. Block E will be located away from the side boundary it also has a much smaller foot print, and has no windows looking towards no 22. Where the side elevation of this building fronts the internal path the elevation has a "saw tooth" profile and windows are angled towards the road.
- 15.26 Due to difference in ground levels, profile of elevations and position of windows residents of the Almshouses will not suffer a loss of privacy and buildings will not appear overbearing. In fact some residents will have an improved amenity by the demolition of large high buildings and removal of overlooking windows. All the residents will benefit from the removal of the bus depot use.

- 15.27 The development has been designed so there are no doors facing onto the boundaries of the site and all the accommodation is accessed from inside the scheme. The proposal includes a private CCTV system to provide internal and external coverage across the whole development including the amenity areas, external elevations, security gates and building access. The CCTV coverage will provide visual coverage on monitors within the management office. The supporting information states “the site is overlooked by a security suite located on the corner of Block B. It has a view of the main entrance, a view of the Military Road entrance, a view of the entrance to the site from the car park and a good overview of the entrances to all the Blocks which are accessed from inside the site”
- 15.28 It is considered the applicant has had regard to the amenity of neighbouring properties in developing the detailed design and layout of the scheme which has produced a development which is sensitive to its location, sits comfortably within the site and will not have an adverse impact on its neighbours.

Highway Issues

- 15.29 It is noted the Highway Authority raises no objection to the application.
- 15.30 The proposed use of the site will generate far less vehicular traffic than the former bus depot use and will not have an adverse impact on the road network. The existing vehicular accesses to Magdalen Street will be closed and 2 new ones proposed. The western access will be ramped into a basement car park while the more central access road will be used as a vehicular access for emergency vehicles only, and its primarily function will be to provide a pedestrian link.
- 15.31 The parking provision is discussed above; the level of provision is considered appropriate. Twenty car parking spaces are proposed and will be used for on/offloading on moving days, staff, disabled parking and any other maintenance or management related activities. Two of these spaces will have electric chargers provided in order to encourage the use of electric cars and reduce overall emissions. A Travel Plan and measures to reduce the reliance on private car travel including the provision of secure cycle parking spaces and cycle and pedestrian access links are proposed. Although the proposal will not result in a material impact on local transport networks mitigation measures are proposed and comprise an Operational Management Plan to minimise disruption at the start and end of the academic year and the Travel Plan. The scheme will provided 110 secure cycle spaces, in various locations around the site, this represents a 48%cycle parking provision in order to encourage and promote this as the main mode of private transport.
- 15.32 The use will generate far fewer trips than the previous use and will not have an adverse impact on the road network. The site is in a sustainable location close to the town centre, bus stops and train station and is acceptable in highway terms.

Air Quality

- 15.33 The site is within the Air Quality Management Zone.

- 15.34 Environmental Protection was concerned that changes to the local urban topography could result in air quality impacts during the operational phase of the development in addition to the construction phase. The submitted information includes an assessment of the air quality impacts of the development during both phases.
- 15.35 The results of the assessment indicated that impacts on annual mean NO₂ concentrations as a result of the proposed development are predicted to be of substantial beneficial at two locations, moderate beneficial at one location, slight beneficial at four locations, moderate adverse at one location and negligible at two locations. The overall beneficial effects are attributed to a reduction in traffic generation from the site, as well as increases in canyon widths at some locations on Magdalen Street as a result of the new buildings. The development also has the potential to expose future occupants to elevated pollution levels and mitigation in the form of mechanical ventilation has been recommended for a number of units.
- 15.36 The proposed development incorporates a number of design features to mitigate any likely impacts on air quality. These design features have been established within the indicative layout plan within the Council's Magdalen Street Development Brief. Gaps have been included between the buildings to prevent a 'canyon' effect from forming on Magdalen Street. The gaps allow air pollutants to disperse. Furthermore, blocks A, B and C are set back from the public footpath. This set back allows for the inclusion of a soft landscaping strip (including tree planting) to be located in front of the blocks. These measures assist in mitigating any impacts on air quality.
- 15.37 Further mitigation measures are set out in the Air Quality Section above.
- 15.38 The development brief expects developments to include measures that reduce emissions and improve air quality. The proposed use will generate only low levels of traffic and this should have a positive impact on the AQMA. In fact this use will generate significantly fewer movements than the bus depot and probably less than other potentially acceptable uses.
- 15.39 The Council's specialist consultant has confirmed no objection on air quality matters subject to the proposed mitigation measures being provided.

Drainage/Flood Risk

- 15.40 The site is within flood zone 1 where Government policy directs new development. The submitted flood risk assessment provides an assessment of the risk of flooding to the proposed development. The report concludes that the site is situated in Flood Zone 1, which is defined as having a low annual probability of flooding and overall, there is a low risk of flooding from all sources.
- 15.41 It is anticipated that the surface and foul water drainage systems will continue to discharge to the surrounding sewers, in common with the existing development on the site.
- 15.42 The Environment Agency has raised no objection to the proposal but there is a holding refusal from Essex County Council Flood & Water Management Planning & Environment team it is anticipated this objection will be withdrawn before the committee meeting.

Landscaping/ Ecology

- 15.43 The Arboricultural Report indicates that the trees within the development site are self-seeded and consisted mainly of sycamore there are also several shrubs which consist of more ornamental species such as viburnum and Portugal laurel. The trees, and significant vegetation, are assessed as being of low quality and value (C category). The trees and shrubs make a limited contribution to public amenity and many of them contain structural defects. The proposals will require the loss of all trees and vegetation within the site. Some crown pruning works will be necessary to a tree just outside but overhanging the site. The proposals include the planting of a significant quantity of new trees and shrubs to be planted in key locations of the site to maximise both public and private amenity; at least 20 new trees are proposed and will be located in positions where they will be able to grow to maturity. Over the long term, new tree planting has the potential to significantly enhance the amenities of the property and contribute to the character and appearance of the local area.
- 15.44 The application includes a soft landscaping strip in front of blocks A, B and C on Magdalen Street. It also proposes areas of hard and soft landscaping between the buildings. Areas for cycle parking are included within the hard landscaped areas. The former tramlines located on the site are proposed to be retained and incorporated as part of the landscape scheme. The submitted landscaping plan includes full details of the proposed landscaping scheme and this is acceptable, in principle, to the Landscape Officer.
- 15.45 The landscaping to the frontage will be a significant improvement to Magdalen Street where there is currently very limited soft landscaping.
- 15.46 The majority of the site is covered by either buildings or hard surfaced with small trees and shrubs only on the rear and part side boundaries
- 15.47 The application documents include a Biodiversity Phase 1 Habitat Survey which assesses the vegetation and habitat types within the site. The survey report concluded there was negligible potential for presence on the site of protected species other than bats where there is medium potential for roosting in some buildings and birds nesting in buildings. The report recommends a bat roost survey for 1 building and for the roofs of buildings to be removed outside the main birds nesting season. These matters will be secured by condition. If bats are present a license will be required from Natural England.

Heritage and Archaeology

- 15.48 When considering an application that affects a conservation area the Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly when considering an application that affects the setting of a listed building the Planning Authority must have special regard to the desirability of preserving that setting (s.72(1) and 66(1) of the PI (Listed Buildings & Conservation Areas) Act 1990).
- 15.49 The rear boundary of the site abuts the boundary of the New Town Conservation Area. There are listed and locally listed Almshouses to the rear and along Military Road. There are also locally listed buildings in Magdalen Street.

- 15.50 There are no statutorily listed buildings on the site and the site is not within a Conservation Area. Whilst the retention of the façade of the bus depot is referred to in the representations it is not listed nor locally listed. Historic England has not objected to the demolition of this façade. The local list was prepared on behalf of the Colchester Historic Building Forum and adopted by the Council in 2011. The site includes a former tram shed which is on the local list. This building includes an attractive brick façade to Military Road and is retained and incorporated into the development.
- 15.51 Existing tram tracks in the tram shed have been incorporated into the courtyard amenity areas, and an existing plaque of the Borough's coat of arms on the street elevation of the bus depot has been retained, incorporated into the new design and will be located within the street elevation to Block A.
- 15.52 The setting of the Kendall Almshouses carries a legal duty to preserve and this aspect has been afforded special consideration in the design of the scheme. Given the existing buildings and their brutal qualities, their replacement by the proposals has the potential to enhance the current situation. Historic England consider "the proposed redevelopment of this major site would not cause harm to the significance of the setting of the grade II listed Kendall Almshouses or the adjacent Colchester New Town Conservation Area. The scale, massing and detailed design of the residential scheme would be an enhancement on the current street scene in this prominent location on Magdalen Street".
- 15.53 The setting of the Conservation Area will be enhanced by the demolition of the existing metal clad shed on the Military Road frontage, and the introduction of a pedestrian link. The new development, in part due to the change in ground level, will not be prominent in views from the Conservation Area.
- 15.54 The archaeological desk-based assessment has established the archaeological potential of the site and states that the site has been shown to have a high potential for encountering medieval and post-medieval activity, particularly along the street frontage. The assessment suggests a low potential for activity from other periods to be found on the site. The Councils archaeologist recommends further archaeological investigation should be undertaken and this will be secured by way of condition.

Land Contamination

- 15.55 The site comprises a former bus/tram depot with an electrical sub-station and includes fuel storage and repair/servicing areas; these uses suggests there is potential for localised contamination to be present and this is confirmed in the submitted phase 1 desk study. This report recommends that a Phase II intrusive investigation is undertaken to confirm (or otherwise) the presence of contamination that could pose a risk to human health and the wider environment and to determine adequate remedial measures prior to the commencement of development. These conclusions are agreed by the Contaminated Land Officer and appropriate conditions are recommended.

Sustainable Design and Construction

- 15.56 The submitted design and access statement sets out a number of measures that are aimed at achieving a BREEAM score of 'very good' these include (summarized)
- Water efficiency
 - Energy and reduction in CO2 emissions
 - Sustainable construction: opportunities to utilise the local workforce will be explored; the procurement of construction materials will also seek to utilise local materials and supplies
 - Waste and recycling: sustainable waste management processes will be put in place to maximise recycling and reduce litter
 - Biodiversity: features of biodiversity interest will be retained, protected and enhanced where possible; and
 - Site layout and building design: the proposal is for the regeneration of an underutilised site within an urban area, and will contribute to reducing local economic inactivity and improving the appearance of the area.

Other Matters

- 15.57 As part of preliminary enquiry process the applicant held a community engagement exhibition at the Magdalen Street YMCA on 16th October between 3.00 - 7.00 to inform the local community about the proposals and seek their feedback. Key stakeholders including ward Councillors and a clerk to the Winnocks and Kendalls Almshouses charity were notified of the public exhibition and proposals. Full details of the public consultation exercise are set out in the submitted Statement of Community Involvement.

16.0 Conclusion

- 16.1 The application proposes the development of a brown field site in a sustainable location on the edge of Colchester town centre. One of the core planning principles contained in the National Planning Policy Framework encourages '...the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value...' The application site has clearly been developed in the past and does not have a high environmental value. It is considered that the application site matches this requirement. Following on from this the site is also within a defined regeneration area within Colchester. The site is also within the Magdalen Street development brief area. When a brief is prepared it is not possible to predict all uses that may come forward and the documents main function is to set out parameters for development and identify constraints. In this instance the main constraints to development are the location of the site with the Air Quality Management Zone and the requirement for a reduced parking standard. Student accommodation has the advantage of being a use where it is possible to restrict car ownership and therefore limiting the number of parking spaces and the amount of traffic generated. This development will have neither an adverse impact on air quality nor the road network. In this respect the proposed use will have far less of an impact than many other potential uses. The demolition of the buildings, removal of the former bus depot use and the redevelopment of the site will be a significant benefit to the public realm and residential amenity.

- 16.2 The development satisfies many of the parameters identified in the brief namely public realm and street trees to Magdalen Street and a pedestrian link between Magdalen Street and Military Road. The brief identifies a contemporary architectural style as appropriate and the detailed design and layout of buildings is considered acceptable. The buildings facing Magdalen Street would be a mix of 3-4storeys, the height of the buildings is also mitigated by being set back from the street and the use of a recessed top floor with set-backs from the main façade meaning from the street the frontage will be perceived as predominantly 3 storey. The massing will be broken down by the variation in storey heights and gaps between buildings.
- 16.3 Careful consideration has been given to the amenity of adjacent residents and the layout and detailed design together with change in ground levels will ensure residents' amenity is protected. The development will not have an adverse impact on any heritage assets and retains the locally listed building and other features of local interest. Concerns relating to tranquility would be addressed by the constant on site management presence that the developer typically provides.
- 16.4 The application involves the redevelopment of a vacant site with a run-down appearance on a main road into the town centre. It is considered the proposed development satisfies the Council's aspirations for the regeneration area in general and Magdalen Street in particular. A conditional planning permission is recommended.

17.0 Recommendation

- 17.1 APPROVE 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 Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:
- Restrict occupancy to students **in tertiary, full-time education**
 - Agreement to employ an on-site manager /s and for there to be a 24/7 presence on site
 - Travel Plan, a Travel Plan Co-ordinator to be employed and Travel Plan to be regularly monitored by the council
 - Details of an Operational Management Plan (for management of parking on site, loading bay, student arrivals and departures)
 - Details of Maintenance Company responsible for all communal areas/refuse areas
 - An Ecological Clerk Of Works to be employed
 - Buses upgrade with a catalytic reduction system
 - Provision of a scheme of CCTV and link to CBC network
 - Upgrade to a bus stop to current Essex County Council specification, including real time
 - Passenger information
 - Pedestrian path from Magdalen Street to Military Road to be available for public use in perpetuity between dawn to dusk (for pedestrian and pedestrians wheeling bicycles) and agreement that this path will not be to used as a vehicular through route but only by emergency vehicles
 - Agreement that students will not to be granted residents parking permits

- Agreement that those students that are not eligible for an on-site parking space will be required to sign a lease that includes a clause preventing them from bringing a vehicle to Colchester whilst they are living at the approved development
- Provision of electrical heating
- Provision of 2 Electric Vehicle (EV) charging points,
- Provision of mechanical ventilation for units in blocks A and C
- Prevent use of flat roofs except for maintenance purposes

7.2 On completion of the legal agreement and subject to no objections being raised by Essex County Council Flood & Water Management Planning & Environment, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 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 AFM1512 PL-10-SITE, AFM1512 PL-10-00 rev C, AFM1512 PL-10-01, AFM1512 PL-10-02, AFM1512 PL-10-03, AFM1512 PL-10, AFM1512 PL-10, AFM1512 PL-20-A-100, AFM1512 PL-20-B-101, AFM1512 PL-20-C-102, AFM1512 PL-20-C-103, AFM1512 PL-20 -D-104 AFM1512 PL-20-E-105, AFM1512 PL-30-01, AFM1512 PL-40-SS-01, AFM1512 PL-40-SS-02 AFM1512 PL-40-SS-03, AFM1512 PL-50-A-01, AFM1512 PL-50-B-02, AFM1512 PL-50-C-03 AFM1512 PL-50-D-04, AFM1512 PL-50-E-05, AFM1512 PL-50-ST-100, AFM1512 PL-50-ST-01 AFM1512 EX-10-01, AFM1512 EX-50-02, AFM1512 EX-50-03, AFM1512 EX-40-04 and LANDP001 rev)3.

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

3 - Non-Standard Condition/Reason

Notwithstanding any details shown within the submitted application, this permission expressly excludes the use of the bricks indicated on the submitted drawings. No works shall take place until details of alternative bricks have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out using these approved materials.

Reason: The materials proposed in the application are not considered to be suitable for use on this site and to ensure that appropriate materials are chosen which will secure a satisfactory appearance, in the interests of visual amenity.

4 - Non-Standard Condition/Reason

The development shall be constructed in accordance with the submitted cross section and elevation drawings that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site and finished floor levels.

Reason: To ensure the development does not have an adverse impact on the surrounding area or residential amenity.

5 - Schedule of Types & Colours to be Submitted

No works shall take place until a schedule of all types and colours of external materials to be used has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

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

6- Non Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of all architectural features including, but not limited to, windows, doors, window reveals, recessed rain water goods, parapet, to be used, by section and elevation, 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: There is insufficient detail with regard to these features which are essential elements of the design.

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7 - Non-Residential BREEAM (Part 1 of 2)

No works shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.

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

8 -Non-Residential BREEAM (Part 2 of 2)

Within 6 months of the occupation of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

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

9 - Vehicle Parking

Prior to the first occupation of the development, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle 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 that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

10 - Cycle Parking (as approved plan)

Prior to the first OCCUPATION/USE of the development, the bicycle parking facilities indicated on the approved plans shall be provided and made available for use. These facilities shall thereafter be retained as such.

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

11 - Non-Standard Condition/Reason

Prior to commencement of the development a Construction Management Plan, to include but shall not be limited to details of wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12 - Non-Standard Condition/Reason

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

- a) Two dropped kerb footway cross-overs off Magdalen Street each with a minimum 43 x 2.0 x 43 metre clear to ground visibility splay y distance to 0.5 metres from carriageway edge)
- b) A loading bay in Magdalen Street
- c) A minimum 2 metre wide footway along the site frontage in Magdalen Street and the maximum width available in Military Road
- d) There shall be no vehicular connection through the proposal site between Magdalen Street and Military Road.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

13 - Non-Standard Condition/Reason

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 demolition and 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
- measures to control noise.

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.

14 - Demolition Programme TBA

No demolition whatsoever shall take place until such time as a programme has been submitted to and approved, in writing, by the Local Planning Authority stipulating the extent and timing of such operations. Any demolition shall thereafter take place solely in accordance with the approved details.

Reason: In the interests of the appearance of the locality and to avoid unnecessary disturbance to amenities.

15 - Non-Standard Condition/Reason

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

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

16 - Non-Standard Condition/Reason

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the sites plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all 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. Although some information was provided with the acoustic survey, further information to demonstrate compliance with the above condition will be required once the noise level of the proposed equipment and its specific location is known. Single background noise levels for the reference time periods should be provided.

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.

17 - Non-Standard Condition/Reason

Prior to the commencement of development, a noise survey, including details of the accommodation structure, for proposed residential properties that are in the vicinity of the ROADS shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours (or representative periods), and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 good conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY building on the site and shall be maintained as agreed thereafter. Note: Although some

acoustic information was provided with the application, it acknowledges that further work is necessary once the accommodation structure detail is known. This additional information shall provide single representative LAeq figures for both 16-hour daytime periods and 8-hour night-time periods and take into account that the accommodation is set back from the road, some of the blocks are shielded and the accommodation height. The proposed mitigation measures should be specific to each part of the site and take into account night-time maximum noise levels as well as LAeqs. Once the site is secured longer assessment periods may be possible.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

18 - External Light Fixtures TBA

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

19 - Non-Standard Condition/Reason

Prior to the commencement of development details of the insulation to the gym shall be submitted to and approved in writing by the Local Planning Authority. Such detail as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY building on the site and shall be maintained as agreed.

Reason: To prevent noise disturbing the accommodation above.

20 - Contaminated Land Part 1 of 4 (Site Characterisation)

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers.

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

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

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

22 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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

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

23 - 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 20, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 21, 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 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

24 - *Validation Certificate

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 20.

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 - Non-Standard Condition/Reason

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

26 - Non-Standard Condition/Reason

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential

pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

27 - Non-Standard Condition/Reason

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority. Condition If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

28 - Non-Standard Condition/Reason

Prior to the commencement of demolition a Level 3 analytical programme of recording shall be carried out on the site's buildings and a report produced and presented to the lpa. The sufficiency of the report shall thereafter be agreed by the lpa in writing prior to the commencement of demolition.

Reason: In order to ensure that the heritage resource is preserved by record in order to enable the proper interpretation of the Borough's historic environment.

29 - Scheme of Archaeological Investigation

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

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

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

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

30 - Non-Standard Condition/Reason

The roofs to existing buildings identified in the Biodiversity Phase 1 Habitat Survey as Buildings A and C) shall only be removed outside the main bird nesting season. The Ecological Clerk Of Works shall be present to oversee the removal of these roofs.

Reason : To minimise the risk of disturbing birds nesting in these buildings.

31 - Non-Standard Condition/Reason

No works shall take place until a bat roost survey, carried out at an appropriate time of the year, to confirm or disprove the presence of bats on the application site, has been submitted to and approved, in writing, by the Local Planning Authority. If bats are present the survey shall be accompanied by a scheme of appropriate mitigation measures including precise details of the timing and method of protection. No development shall be undertaken thereafter, except in accordance with the approved scheme of mitigation.

Reason: In order to safeguard protected wildlife species and their habitats where it is possible that they could be present.

32 - Non-Standard Condition/Reason

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details are not acceptable in all respects and the new landscape detail shall include:

- RETAINED TRAM LINES
- WORKS TO EXISTING AND NEW RETAINING WALLS
- 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.

33 - Non-Standard Condition/Reason

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 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.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

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

(3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) The loading bay would require a Traffic Regulation Order to control its use.

- The Highway Authority has assumed the proposal site internal layout would not be laid out and constructed to adoptable standards and that the applicant would not intend to offer it to the Highway Authority for adoption.
- 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)
- All highway related details should be agreed with the Highway Authority
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

(5) PLEASE NOTE that it is understood that bat roosts exist within the application site. Bats are a statutorily protected species, and it is the developer's responsibility to ensure the requirements of the Wildlife and Countryside Act 1981 which relate to the protection of bats and their roosts are fully complied with.

(6) PLEASE NOTE: It is likely that a protected species may be present at the site, which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR, Tel. 0300 060 3787.

(7) 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.

(8) PLEASE NOTE that, with regard to and noise measurement and sound insulation, a competent person is defined as "someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience".

(9) 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.

(10) PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime. Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land. The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an Appropriate Person. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination. Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment. During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes. The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site. The Local Planning Authority will provide a Validation Certificate mentioned in Condition INSERT for completion by the applicant/developer. This certificate will not only provide confidence in the site for the local authority in terms of development control and the Part IIA regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process.

(11) PLEASE NOTE that, with regard to air quality measurement, a competent person is defined as “someone who has demonstrable experience in complex air quality modelling, using current DEFRA approved software applications, with specific emphasis on urban and traffic-related situations”. Additionally, please note that air quality assessment should take full account of the Local Air Quality Management Process including, where relevant, the presence of any Air Quality Management Areas.

(12) PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at development.management@essexhighways.org or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.

(13) 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/article/13595/Archaeology-and-the-planning-process>

(14) PLEASE NOTE that it is the responsibility of the developer to ensure proper provision is made for the surface water drainage of the site to ground, watercourse or surface water sewer. To avoid foul sewer flooding, surface water must not be drained to a foul sewer. The use of sustainable drainage systems (known as SUDS) is very much encouraged. SUDS offer an alternative approach to traditional engineered drainage solutions by detaining run-off on site and releasing it slowly into watercourses or to ground (e.g. dry ditches/swales, detention/attenuation ponds, integrated wetlands). Source control techniques are also increasingly popular, e.g. the use of porous (as opposed to impermeable) paving and 'green roofs' which allow rainwater re-use. These techniques reduce the likelihood of flash flooding, result in greatly improved water quality, are often cheaper and easier to maintain than traditional engineered drainage solutions (i.e. involving seal-trapped gullies and petrol interceptors), and can provide wildlife habitats.

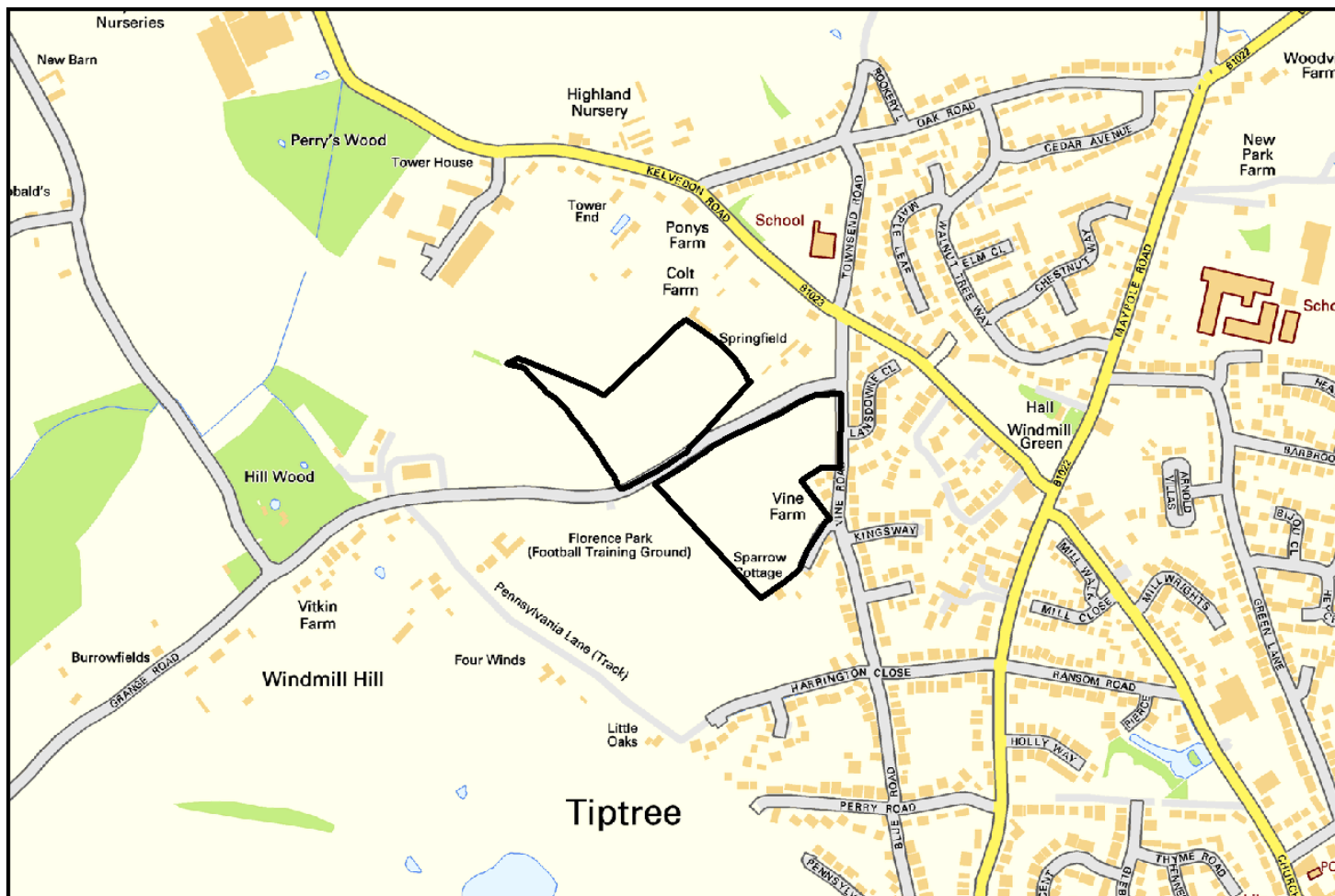
(15) Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk. Any drainage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

(16) Informative on Archaeology

Whilst a pre-determination archaeological evaluation is not required for this proposal it is recommended 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. 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/article/13595/Archaeology-and-the-planning-process>

20.0 Positivity Statement

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



Application No: 151886

Location: Land Adjacent (North & South), Grange Road, Tiptree, Colchester

Scale (approx): 1:1250

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Site: Grange Road, Tiptree, Colchester

Application No: 151886

Date Received: 8 September 2015

Agent: Miss Fiona Hunter, Ingleton Wood LLP

Applicant: Aspire Media Group Property Services

Development: Reserved matters application following outline approval (122134) for the approval of appearance, landscaping, layout and scale for 103 residential units with associated landscape and highway works, along with provision of public open space (including a new village green and allotments) and other ancillary infrastructure and works including drainage provision.

Ward: Tiptree

Summary of Recommendation: Conditional approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Committee asked to consider the details at the time of Outline permission being granted.

2.0 Synopsis

- 2.1 It is explained that Outline permission has already been granted and is live for the erection of 103 houses. The application at hand simply gives more detail regarding: Appearance, Landscaping, Layout and Scale. It is further explained that whilst layout had been a Reserved Matter, this was addressed in some detail at the time of the Outline application and this layout has broadly stayed the same.
- 2.2 The report looks at objections which generally relate to the principle of development; it is explained that this has already been agreed and is not a material consideration.
- 2.3 Objections based on residential amenity are also considered and it is concluded that there are no outstanding issues in this respect.
- 2.4 The comments from Tiptree Parish Council regarding bedroom numbers are also explored and it is explained that the Council can no longer restrict the number of bedrooms due to a ruling by the Planning Inspector. It is further explained that there is no mechanism for increasing section 106 contributions over and above what was secured at Outline.

- 2.5 Finally, design and layout amendments are explained and it is concluded that the scheme is acceptable in these terms as well as in terms of Highway safety and efficiency and approval is recommended.

3.0 Site Description and Context

- 3.1 The site is on the north-western edge of Tiptree and comprises 6.67ha of agricultural land (currently not being farmed), on both sides of Grange Road. To the north (previously allocated as employment land) is 2.85ha, to the south 3.85ha. Land to the north is almost entirely surrounded by agricultural/paddock land with footpath 150/4 close by to the west, whilst the parcel to the south borders residential land to the east and the Florence Park training ground to the west.
- 3.2 The section of land between the two plots belongs to the residential dwellinghouse Springfield which has Outline permission for nine dwellings.

4.0 Description of the Proposal

- 4.1 The proposal comprises 103 Residential Dwellings with various provisions of open space and drainage and highway improvements.
- 4.2 The proposal site encompasses two distinct parcels of land. Plans for the 2.85ha landholding to the north show 39 dwellings (6 x 2-bed, 14 x 3-bed, 6 x 4-bed and 13 x 5-bed) as well as an electricity sub-station and a Public Open Space which includes a shallow 'surface water detention basin' and a Local Area for Play (LAP).
- 4.3 The land to the south of Grange Road would contain the bulk of the residential properties (64 - breaking down thus: 26 x 2-bed, 25 x 3-bed, 7 x 4-bed and 6 x 5-bed. This parcel also comprises allotments, the village green and a further LAP.
- 4.4 In addition to this, a pumping station at the southern extremity of the site, and a new electricity sub-station just to the north of Grange Road are proposed. As part of the offering, there is also a new roundabout access onto Grange Road, together with various other highway improvements which are detailed in sections 14 and 15.

5.0 Land Use Allocation

- 5.1 Allocated as residential in the Local Plan

6.0 Relevant Planning History

- 6.1 122134 - Outline application for proposed Development of Land North and South of Grange Road, Tiptree to Provide 103 Residential Dwellings, Areas of Public Open Space (including a new Village Green and Allotments), provision of a new Roundabout Access from Grange Road, other Ancillary Infrastructure and Works including Drainage provision. Approved 20th May 2014

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- 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
- ER1 - Energy, Resources, Waste, Water and Recycling

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

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- 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 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA TIP1 Residential sites in Tiptree
SA TIP2 Transport in Tiptree

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

- Vehicle Parking Standards
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing

8.0 Consultations

- 8.1 Environmental Control: Should planning permission be granted Environmental Protection wish to make the following comments:-

We refer to extensive comments submitted for the previous application 122134 on 18 December 2012. As stated in our original comments, we recommend that plots 62 and 63 are orientated so that the private gardens are screened from noise caused by the training ground. Any private gardens close to the training ground that are not screened by buildings shall be bounded by a wall or close boarded fence of at least 1.8 metres in height.

We request acoustic data to demonstrate that noise from the proposed private pumping station will not impact upon existing or proposed residential units.

- 8.2 Anglian Water: No further comments.

- 8.3 Environment Agency: Nor further comments.

- 8.4 Essex County Council (SUDS): The submission involves outline detail regarding drainage which will impact on the site layout. We would advise against fixing the site layout until details relating to Condition 20, which seeks the submission of detailed surface water drainage information to be approved, is provided as this may alter the layout. However, this is the applicant's decision and we would not wish to comment on drainage until the detailed design is available.

- 8.5 Landscape Planner: The proposals would appear for the most part acceptable; however in order to accord with the Council's adopted Landscape Strategy the landscape deposit needs to fully comply with the Council's landscape 'Guidance Notes LIS/C', in particular the following clauses of LIS/C need to be addressed (see website for full details).

8.6 Urban Designer: The scheme has improved through pre-application dialogue. Now seen in their entirety, proposals are now predominantly acceptable, though still require (relatively minor) refinement and clarification for me to not object on design grounds.

I have highlighted areas where I would suggest improvement/clarification is required:

- Missing desire-line links between the scheme and the strategic foot/cycle route along the eastern boundary.
- The link between the southern edge of the development and Vine Road should be redesigned to provide a better defined and overlooked route, e.g. by realigning plot 73's building more toward the street to allow plot 74 to look down the route and by cropping plot 73's rear garden to provide a landscape buffer to the pathway.
- Two visitor spaces should be removed to provide a stronger link between Grange Road and the street outside plots 90-93 etc.
- The relatively high proportion of large 2.5 storey detached homes also makes the development appear excessively lumpy, in visual conflict with the traditional rural vernacular. On reflection the proportion of 2.5 storey homes should be reduced more in line with the key parameters agreed at outline planning.
- There are some minor outstanding house type issues to be addressed

8.7 The Urban Designer also added many more points too numerous to list here, these are available on the website.

NOTE – changes have now been secured to take the height and bulk out of some of the units.

8.8 Natural England: No comments

8.9 Highway Authority: The situation here is more complicated. At Outline, the Highway Authority recommended approval, but on the proviso that various measures were undertaken prior to occupation of the development. In effect this means that those details do not have to be cleared at this stage, but rather as discharge of condition to the Outline permission. These would be in the form of a section 38 agreement between the developer and the Highway Authority.

8.10 Notwithstanding that point, the applicant has endeavoured to progress this as much as possible during the application cycle in the interests of clarity. At the time of writing, the Highway Authority flagged up the following as being outstanding:

- Notation on drawing no.E535-300 Rev D still refers to a 1.5 m verge not a 2m footway as drawn. Also the adoptable highway area does not tie up with the owners eastern boundary so there would currently be a triangular sliver of a ransom strip to anything being built on the eastern side of this estate and so would cause problems when trying to extend Road 2.

- Drawings 41619/110 Rev T and E535-300 Rev D however the current drawings do not show the full length of this proposed footpath/cycleway.

8.11 It is hoped that these matters will be rectified by the time of Committee. Even if they are not, they will need to be addressed by the applicant as part of a section 38 agreement, with such details forming an application to discharge conditions for the Outline permission.

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

9.0 Parish Council Response

9.1 Tiptree Parish Council object to this application on the following grounds -

The original application provided for 92 x 2 and 3 bed homes and 11 x 4 and 5 bed homes, which addressed Tiptree's need for small family homes. This application sees a 25% reduction on smaller homes to 68 and a 200% increase in larger executive homes from 11 to 35. This represents a total increase in bedrooms from 287 to 329 and the Parish Council request that the S106 contributions and the affordable housing allocation be re-calculated based on this increase and that those calculations be made available to the public. We would also like guidance as to whether the open space allocation should be increased in line with the increase in bedrooms.

The Parish Council would like to see all the public open space (with the exception of the pond/soakaway) brought into public ownership and require clarification that the pond is not included in the overall open space allocation. We also require details of the ongoing maintenance plan for the pond/soakaway.

Residents have drawn to our attention the on-going problem of flooding in Vine Road due to surface water draining from the proposed development site. There is no indication in the plans as to how this issue will be addressed.

It is noted that land previously earmarked for a proposed footway linking Vine Road/Grange Road junction to Kelvedon Road is now included within the new development - 146493 - recently approved. Confirmation is sought that provision will still be made to provide this footway which is needed to provide the safe passage to school for pupils of Baynards Primary and Thurstable Schools.

The plans submitted are unclear as to whether Vine Road from its junction with Landsdowne Road to Grange Road will be widened - please clarify.

Tiptree Parish Council support the proposals of the A12 Vehicle Traffic Action Group who are campaigning for a new A12 junction at Kelvedon and feel that as this development will put further strain on the roads of Tiptree and its neighbouring villages, that provision should be made in the S106 agreement for a contribution towards this.

10.0 Representations

10.1 Nine letters of objection have been received from nearby residents and the A12 Villages Traffic Action Group covering the following main points:

- Visual destruction;
- Increased crime;
- Pressure on schools/doctors;
- Road capacity will be overstretched, especially on roads to A12 London-bound;
- Council should secure s.10 monies towards a new junction with A12;
- Vine Road should be closed off to through traffic;
- Access from Kelvedon Road is dangerous;
- Improvements to Grange Road required;
- Needs to be a roundabout to slow traffic down;
- Plans do not show new house on Vine Farm Road;
- Insufficient details on drawings regarding the junction;
- Please confirm whether Public Right of Way is affected;
- Lack of enough two-bedroom houses;
- Pond will be dangerous for children;
- Paths from village green do not have safe access to a footway;
- Drainage and sewerage problems;
- Overlooking of new house on Vine Road;
- Potential loss of privacy to Vine Farm, please provide six foot fence;

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

11.0 Parking Provision

11.1 235 spaces are to be provided. This is against an expected provision of 232 (@ 2.25 spaces per dwelling).

12.0 Open Space Provisions

12.1 This provision has several elements to it which are, overall, in excess of the Council's on-site policy requirements for public open space. The main feature is the proposed village green (0.6ha) at the eastern end of the southern site which contains a pond (this also acts as a sustainable form of drainage) and a Local Equipped Area for Play (LEAP).

12.2 On the northern site, allotments measuring 0.3ha (approximately 16 allotments) with dedicated parking is proposed.

12.3 A pair of Local Areas for Play (LAPs) is also shown - one LAP for each site.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team at Outline stage. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- 10 per cent affordable housing, reflective of the overall site mix (80/20 affordable rented/shared ownership);
- £6,600 for provision and maintenance of two litter and two dog bins;
- £106,000 for the Factory Hall site;
- Residential Travel Information Packs - £5,150;
- £33,600 towards health-care facilities;
- Open Space, sports and recreation contribution of £211,628.
- Highways works - including off-site footway provision and carriageway widening, provision of mini-roundabout and cycle paths, improved pedestrian links to Tiptree town centre via Vine Road and Ransom Road, upgrade of two bus stops and provision of Residential Travel Information Packs. These items equate to a value of about £200,000, are were secured by condition at Outline.

14.2 These matters formed part of the s.106 signed with the issuing of Planning permission 122134 and, therefore, cannot be amended. The only exception to this is the reference to the Factory Hall site which will not now be coming forward, instead the monies will be going to community facilities at St. Luke’s. Consequently the “Definitions” within the Section 106 will need to be altered accordingly.

15.0 Report

Principle

15.1 Members are reminded that the principle of housing on this site is long-established and Outline permission exists.

15.2 The first group of objections above refers, in essence, to the principle of development in this location and the potential impact of it. Whilst all of these concerns are noted, the site has been allocated for housing for several years and Outline permission was granted for 103 houses in 2013. The Section 106 monies and proposed highway improvements were also decided at that point and will not be added to or amended here (other than a reference to the destination of the community facilities monies – see above). The Highway Authority has been consulted and has given its views.

Highways

- 15.3 To recap, the Highway improvements secured by condition at Outline are:
- A 40 mph speed limit in Grange Road;
 - A roundabout in Grange Road;
 - New footway and carriageway widening along Vine Road between Kelvedon Road and Lansdowne Close;
 - A mini roundabout at the Grange Road/Vine Road junction;
 - A three-metre wide foot/cycleway along the south side of Grange Road from Vine Road (north of its junction with Lansdowne Close) to the site's western boundary;
 - A three-metre wide foot/cycleway along the north side of Grange Road from the site's western boundary to the site access roundabout;
 - A cyclepath between Grange Road and Harrington on the site's western boundary;
 - Upgrade two bus stops in the vicinity;
 - New sections of footway along Vine Road and Ransom Road;
 - Residential Travel Information Packs (or an alternative implementation programme).
- 15.4 These measures, as indicated on drawings at Outline, will be implemented via a section 278 agreement between the developer and the Highway Authority.
- 15.5 Members are further reminded of Planning permission 146493 at the neighbouring parcel of land (Springfield) which secured an extension of the footway/cycleway from the proposed new roundabout to the Kelvedon Road/Vine Road junction near to the Baynards Primary School. This is an additional extra and is noted here for information only as it is on a different site and its delivery cannot be guaranteed.
- 15.6 In sum, the net result of these works is deemed to be an improvement in terms of Highway safety and efficiency.

Design and Layout

- 15.7 Whilst the Outline application reserved this matter to this Reserved Matters application, the layout was negotiated to a very detailed degree at that time and has not been significantly altered at Reserved Matters.
- 15.8 The following was the description given then:

The layout has been dictated to some extent by the constraints on site, namely the two distinct parcels and the tapering section at the western aspect of the northern parcel. In addition there are the two Essex & Suffolk Water mains which have six metre easements either side of them as well as the cordon sanitaire of 15 metres next to the proposed waste pumping station. Following agreed provisions with the Essex & Suffolk Water Authority and Anglian Water, this has resulted in a lower density than initially envisaged. Each section comprises spine roads with smaller roads off, and small pockets of housing on the perimeter of each block, with gardens meeting in the middle. The southern parcel has a small open space in the middle, with the proposed village green to the east and allotments to the south. The northern section shows an area of open space to its south-western aspect.

Scale, Height and Massing

- 15.9 The low density means a satisfactory spread of form, largely with hard built form to the perimeter of blocks and large spaces within. The scale is sympathetic to its residential surroundings, and is no more than two to two-and-a-half storeys high. The drawings submitted with this Reserved Matters application do show more of the two-and-a-half storey buildings than had previously been envisaged at Outline. However, the overall effect is still considered to be acceptable.

Impact on the Surrounding Area

- 15.10 The proposal will, undoubtedly, in part, have a suburbanising effect. Both halves of the site are currently open space, albeit rough and unkempt in the southern part. It must be noted, however, that it is proposed that the northern parcel be separated from the road by the open space, and by the Springfield site (which will, in all probability, be developed within the next few years), and more than a third of the southern site is the proposed village green. Therefore, more than half of the proposal does not give a 'hard edge' to the public realm. However, the widened carriageway and new/widened footways and cycleway will have a visual impact.
- 15.11 Another effect is the increased activity which the development, including traffic, will have on the area. This is acknowledged, and cannot be disputed. This strategic decision was made at policy level, and it was accepted then that the rural tranquillity would be affected by a housing scheme. The purely Highways issues (efficiency and safety) have been dealt with (above).

Impacts on Neighbouring Properties

- 15.12 As the site is predominantly virgin farmland and paddock, there are not many properties whose amenity stands to be immediately affected.
- 15.13 There are, however, two groups of properties which border the site and whose amenity needs to be protected: Springfield (and any dwellings which may be erected there) and the dwellings on Vine Farm Road.
- 15.14 The former is at this moment in time, some way distant from the site (the house itself being approximately 80 metres at the nearest point). Whilst it is possible that parts of the lower garden might be subjected to some incidental overlooking, the private part of the garden (up to 40 metres away from the houses) are well screened and would not be overlooked.
- 15.15 Proposed Plot 1 on the Springfield site (as indicated on the Outline permission) would be the only plot which could be affected. Potentially it could be overlooked by proposed plots 27 and 28 of the proposal at hand, whose long axes face along the garden of that Plot. However, the distances appear tolerable (20 – 30 metres) and it is further noted that this Outline permission has not been the subject of Reserved Matters where the layout may change. As such, this should not obstruct the granting of permission for the application at hand.

- 15.16 Of more relevance are the three properties “Vine Farm”, “Vine Barn” and “Sparrow Cottage” whose immediate residential curtilages border the site. Of these, the latter would share a boundary with the allotments part of the site. Vine Farm and Vine Farm’s gardens would share common boundaries with gardens belonging to houses on the site.
- 15.17 Whilst there is no issue of any overbearing impact given the separation between buildings, fear of being overlooked has been raised by two nearby properties – Vine Farm and 64 Vine Road.
- 15.18 The latter had also raised concerns that its omission from the layout plan (it having been granted permission in 2009) would mean that the impact upon it would not be properly assessed. The layout plan has been duly corrected and your Officer has visited the site explicitly to assess the possible impact on that property. Whilst some window to window indivisibility might occur, the distance is 30 metres. What is more, 64 Vine Road is across Vine Farm Lane from the site and is heavily screened such that the limited curtilage to the front could not be overlooked.
- 15.19 Vine Farm and indeed Vine Barn do raise more concerns. The former is particularly exposed to the south-west (its main private aspect, with its garden and rear-facing windows) and therefore the request for 1.8 metre high screen fencing is not unreasonable and shall be secured by condition. Further, plots 73 and 74 could offer some uncomfortable overlooking from the Velux windows if these are not positioned carefully. A condition requiring them to have a minimum lower sill height of 1.7 metres will, therefore, be added.
- 15.20 It is, therefore, held that these matters are satisfied.

Amenity Provisions

- 15.21 The net provision of garden space is far in surplus compared with the minimum provisions laid out in our policy DP16 (50m² for two-bed, 60m² for three- bed, 100m² for 4-bed). Whilst twelve of these show a deficiency, this is in most cases very slight and is often due to the shape of the plot.

Other Matters

- 15.22 Tiptree Parish Council, along with another objector, has raised concerns about the smaller amount of two and three bed properties compared with that which had been envisaged at Outline stage.
- 15.23 The numbers of larger homes (4-5 bedrooms) mentioned at Outline were lower than is being proposed now. For clarification, the picture is as follows:

Outline – 37 x 2-bed, 55 x 3-bed, 7 x 4-bed, 4 x 5-bed
RM – 33 x 2-bed, 38 x 3-bed, 13 x 4-bed, 17 x 5-bed

- 15.24 Thus, the “smaller” units (2-3-bed) have gone from 92 to 71 and the larger (4-5 bed) from 11 to 30.

- 15.25 This means the scheme has evolved from overwhelmingly smaller units to a more mixed scheme which is still, however, predominantly (70 per cent) for smaller dwellings.
- 15.26 In 2015, after the Outline application had been approved by Committee and as the decision notice was being issued, the Government Inspector modified the Local Plan documents and removed table H2a from the Core Strategy. This table has indicated that smaller houses should be directed towards settlements such as Tiptree.
- 15.27 Without this table, Colchester Borough Council has less leverage to insist on smaller properties. However, as 70 per cent are still small, it is held that the balance is an acceptable one and still addresses Tiptree's needs.
- 15.28 This does, however, have a knock-on effect in terms of the matter of s.106 monies. Tiptree Parish Council has asked about the following and whether contributions can be increased:
- S106 Contributions: These cannot be increased as the s.106 agreement to the Outline permission was a set figure. This was arrived at after a viability appraisal and negotiation including a co-efficient to allow for the community use of Florence Park. The figure was set at a time before the Inspector removed table H2a. Unfortunately there is no clause to allow for an increase in bedrooms as no such contingency had been envisaged at the time.
 - Affordable Housing: This is 10 per cent as per policy. There is no justification for increasing this.
 - Open Space Allocation: This is calculated according to site area. The site area has not changed, therefore there is no justification for increasing this.
- 15.29 In terms of the other points raised, the open space is subject to the s.106 agreement which enables unfettered public use, although this and the pond shall remain in private ownership. The allotments will be in the ownership of Colchester Borough Council, although the Parish Council has shown an interest in taking these on.

16.0 Conclusion

- 16.1 The scheme at hand has been accepted in principle already. It has evolved to include a higher number of large units, but the balance is overwhelmingly in favour of the smaller units.
- 16.2 Highways and other matters including residential amenity have been satisfied and, therefore, approval is recommended.

17.0 Recommendation

- 17.1 APPROVE subject to the legal agreement under Section 106 of the Town and Country Planning Act 1990 being amended to refer to St. Luke's in lieu of Factory Hall within six months from the date of the Committee meeting. In the event that the legal agreement is not thus amended within six months, to delegate authority to the Head of Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

18.0 Conditions

(1) **ZAF - *Reserved Matters Applications***

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference 122134 relating to this site and the conditions attached thereto remain in force.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) Unless otherwise stated, the development hereby approved shall accord in all respects with approved plans: Job number 41619 drawing numbers 110 rev U, 111 rev x, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221 rev P1, 222 rev P1, 223 rev P1, 224 rev P1, 225 rev P1, 226 rev P1, 227 rev P1, 228 rev P1, 229 rev P1, 230 rev P1, 231 rev P1, 232, 233 rev P1, 234 rev P1, 235 rev P1, 236 rev P1, 237 rev P1, 238 rev P1, 239 rev P1, 240, 241 rev P1, 242, 243 rev P1, 244, 245 rev P1, 246 rev P1, 247 rev P1, 248 rev P1, 249 rev P1, 250, 251 rev P1, 252 rev P1, 253 rev P1, 254 rev P1, 255 rev P1, 256 rev P1, 257 rev P1, 258 rev P1, 259 rev P1, 300, 301, 302, 303 rev P1, 304, 305, 306 rev P1, 307, 308, 309 rev P1, 310 rev P1, 311, 312, 313 rev P1, 314 rev P1, 315 rev P1, 316, 317, 318 rev P1, 319 rev P1, 320 rev P1, 321, 322 rev P1, 323, 324 rev P1, 325 rev A, 326 rev A, 327 rev P1, 328 rev P1, 329 rev P1, 330 rev P1, 331 rev P1, 332 rev P1, 333 rev P1, 334 rev P1, 335 rev P1, 336, 337, 338, 339 rev P1, 340, 341 rev P1, 342 rev P1, 343, 344, 345 rev P1, 346 rev P1, 347 rev P1, 348, 349 rev P1, 350 rev P1, 351, 352, 353 rev P1, 354 rev P1, 355 rev P1, 356 rev P1, 357 rev P1, 358 rev P1, 359 rev P1, 360 rev P1, 361 rev P1, 362 rev P1, 363 rev P1, 364 rev P1, 365, 366, 367, 368, 369 rev P1.

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

(3) **ZBB - Materials As Stated in Application**

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

- (4) The roof windows to plots 73 and 74, shall have a minimum lower sill height of 1.7 metres and shall have no additional rooflights added.

Reason: In the interests of residential amenity.

- (5) Notwithstanding the details of the approved hard landscaping drawings, a close-boarded fence of a minimum height of 1.8 metres shall be erected around Vine Farm and Vine Barn at their boundaries with Plots 73 and 72 prior to the occupation of either of those units, unless otherwise agreed by the Local Planning Authority, and shall be retained as such at all times.

Reason: In the interests of residential privacy.

- (6) No occupation of dwellings shall occur until the vehicular parking and garaging relevant to each unit has been provided. Such provision shall remain in place and be used for the parking of vehicles.

Reason: To ensure adequate car parking and avoid nuisance carriageway parking in the interests of highway safety and efficiency.

- (7) The recommendations within the applicant's Reptile Survey Results and Mitigation Strategy by Adonis Technology (Project ref: 9699) shall be complied with at all times.
Reason: In the interests of nature recommendation.
- (8) All works shall comply with the Arboricultural Report submitted by the Land & Sculpture Design Partnership 04.03.13 Revised 07.07.15.
Reason: In the interests of sylvan amenity.
- (9) Root protection shall comply with the annotated drawing from our Arboricultural Officer (dated 2nd October 2015).
Reason: In the interests of sylvan amenity.
- (10) **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.
- (11) **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.
- (12) **ZFS - Tree and Hedgerow Protection: General**
All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.
Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.
- (13) Any private gardens close to the training ground that are not screened by buildings shall be bounded by a wall or close boarded fence of at least 1.8 metres in height.
Reason: In the interests of residential amenity.

- (14) Prior to the occupation of any of the dwellings hereby approved on the northern parcel of land, acoustic data shall be submitted, to the satisfaction of the Local Planning Authority, to demonstrate that noise from the proposed private pumping station will not impact upon existing or proposed residential units. The pumping station shall then be constructed accordingly and remain as such at all times.
Reason: In the interests of residential amenity.

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

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

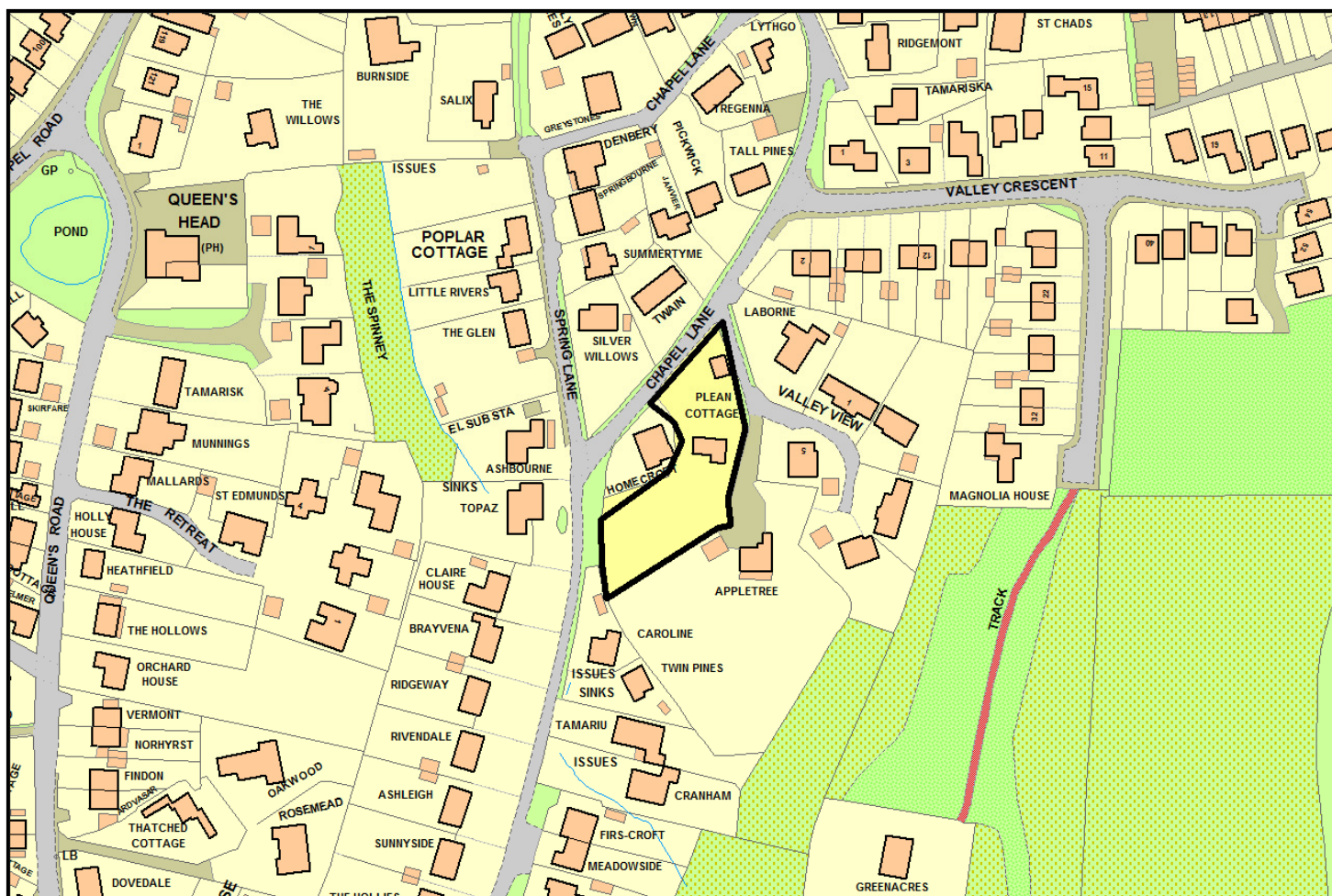
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

20.0 Positivity Statement

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



Application No: 150702

Location: Homecroft, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Scale (approx): 1:1250

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7.7 Case Officer: Carl Allen Decision Date; 18.3.16

MINOR

Site: Homecroft, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Application No: 150702

Date Received: 28 April 2015

Agent: Mr Steve Norman

Applicant: Woodman Properties

Development: Proposed formation of a private drive, erection of three detached bungalows, extensions and alterations to an existing bungalow, erection of garages and provision of associated parking facilities.

Ward: W. Bergholt & Eight Ash Green

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Willets has called-in the proposal for the following reasons – ‘Whilst not opposed absolutely to the development of the site this proposal constitutes over development in this part of the village where the planning theme is rather more spacious development. The site is also in an elevated position and it seems little attention has been given in the design to its impact on the village scape. The site is served by narrow, sub-standard lane network, on which the impact of additional vehicle traffic has not been quantitatively evaluated’. **This application was deferred from the 22 October 2015 Planning Committee so that negotiations could take place to secure improvements in relation to the prominence of the proposed dwelling of Plot 1 and design of bungalows bearing in mind the context of the village scene and the reinstatement of hedges to the highway. Changes to the original Committee Report are in bold.**

2.0 Synopsis

- 2.1 The key issues explored below are that of design, amenity, drainage and highways. It is considered that the scheme would not have any detrimental amenity impacts to neighbours, has an acceptable design and layout and provides off-street parking to the Parking Standard with no highway safety concerns. The site is not in a Flood Zone but with reports of localised flooding the applicant has included underground water storage tanks to reduce runoff from the site. Approval with conditions is recommended.

3.0 Site Description and Context

- 3.1 The Homecroft site is a plot of land that extends to the east and south of the house known as Homecroft and to the south of Plean Cottage. Homecroft fronts onto Chapel Lane – which is to the north, whilst Plean Cottage is a bungalow set further back into the site, to the east of Homecroft with a large garage to the north between it and the highway. East of Plean Cottage is a boundary hedge with the cul-de-sac of Valley View beyond. The southern and western parts of the site fall away and are on lower ground compared to the rest of the site. The site is in the settlement boundary and as could be expected there are neighbouring dwellings surrounding the plot. On the opposite side of Chapel Lane to the north are two houses, a chalet and a bungalow. To the east on the opposite side of Valley View is a bungalow ('Laborne' which fronts onto Chapel Lane) and houses (numbers 1 and 5 Valley View). To the south-east is 'Appletrees' a detached house whilst houses are on the opposite side of Spring Lane to the west.

4.0 Description of the Proposal

- 4.1 The proposal is to extend and add a first floor to Plean Cottage – increasing the height by approximately 3.2m - to make it a three bed house. To erect a new, detached four bedroom house (Plot 1) to the north of Plean Cottage and for two detached three bed bungalows to the south of Homecroft. A new access would be installed between Homecroft and Plean Cottage and would serve Plean Cottage and the two new bungalows. Plot 1 would have its own access onto Chapel Lane. Plot 1 and the two bungalows would have their own garages and two off-street parking spaces. Plean Cottage would have two off-street parking spaces.

After negotiations with the agent and applicant Plot 1 has been changed to a bungalow and Plean Cottage will now only be extended at ground level and will remain a bungalow. No houses are proposed and a hedge is shown to be instated in front of Plot 1.

5.0 Land Use Allocation

- 5.1 Residential.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

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

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

Backland and Infill
Vehicle Parking Standards
Sustainable Construction
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Highways – No objection and recommend conditions.

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

9.0 Parish Council Response

- 9.1 The Parish Council have stated that they accept the site will be developed. Poor quality of the information makes it impossible to determine the relationship of the buildings proposed on a sloping site. The layout does not respect the site contours, some dwelling would be 1.5m out of the ground. The design does not compliment the neighbourhood – could be improved.

While the current revisions are an improvement, there is still concern at the lack of any on-site visitors' parking. As Chapel Lane is narrow and the site is adjacent to a sloping bend, any on-street parking could be dangerous.

The Parish Council would like a Landscaping Scheme as a condition of approval, and would suggest that it be submitted to the Planning Committee and neighbours for their comments prior to implementation. The PC would also like

to see, as a condition, the reinstatement of the mature hedgerows and their maintenance for the next 5 years as these are a village feature.
During the development the contractor should supply for CBC approval a Lorry Management Plan, again due to the local topography and the narrow lanes, so as to prevent possible accidents, especially at school times.

10.0 Representations

10.1 Ten objections have been received and one comment stating support if good quality screening to the boundaries can be provided. The objections concern:

- large 4 bed homes are not suitable for the area
- site is too small for the number of homes
- would prefer bungalows only
- Plean Cottage should be left single-storey
- Plot 1 not suitable for 2 stories as out of keeping with nearby bungalows
- will overlook neighbours
- will spoil outlook for bungalows opposite the site by blocking views of the valley
- increasing height of Plean Cottage will reduce sunlight to their property
- no room in the scheme to replace mature trees in the once beautiful garden
- the overcrowded development will be detrimental to the health and well-being of residents
- Chapel Lane has a high volume of traffic movement
- will result in at least 10 extra vehicle movements a day
- car parking is cramped on the site
- inadequate parking on site will lead to parking on the street
- will impact on safety at Chapel Lane
- rural lane will become very high density with 5 accesses within 35 yards onto an unlit, unpathed Chapel Lane
- will result in problems for emergency services
- already have new development in the village and this is one too many for the traffic congestion
- little garden space
- will sewers and drains be able to cope
- will increase flooding in the area
- Chapel Lane already experiences heavy surface water flows after rain
- hard surfacing will increase surface water runoff and there is a history of flooding in the area
- concerned over the impact to the structure of their property when the foundations are dug
- bungalows would be close to their dwelling which is timber construction. Foundation work may cause subsidence to their property
- integral garages would improve setting of the development
- gable end of garages front highway is contrary to the character of the area
- Plot 1 is too close to the highway and out of keeping with the area and a highway hazard
- Plot 1 should be set further back
- Applicants state that they will use 'free draining material' for hard-standing areas but they didn't use it in the refurbishment of Homecroft
- drainage is important as ditches and streams are overloaded

- foul water sewer can overflow into River Colne
- all surface water should be directed into engineered soakaways with sufficient capacity
- hollow claim about the environment when they have cleared the site of trees
- states existing boundary hedging to be retained but it has been already been removed.

Seven objections/observations:

- **Previous objection still applies apart from overlooking**
- **Will still increase traffic situation**
- **Two storey house on front is overfilling the site and will dominate the environment and break building line. Accept benefits and design of the rest of the site.**
- **Grass verge will become a muddy mess**
- **Earlier comment about trees and vegetation have been addressed**
- **On the plus side, Plots 1 and 4 are now single-storey with small rooms so won't be occupied by large families, have highways verge and rainwater harvesting.**
- **On the negative side, still cramped, architecturally unattractive, Plots 2 and 3 still don't respect contours of the site and are up in the air, no turning areas for Plot 1, view will be blocked by the planting, Village Plan notes the sense of place of Chapel Lane. Homecroft has lost its garden, should be rejected again and something designed in keeping with the site.**
- **Plot 1 too close to the road**
- **Has addressed most objections but concerned over site splays and the trees in the corner.**

Cllr. Harrington has made the following comment 'I am very pleased to see the amended plans, in particular the reduced prominence of Plot 1 which is now much more acceptable. I reinforce and support the comments of the Parish Council made at their sub-committee meeting on 17th Feb.

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

11.0 Parking Provision

11.1 Eight off-street parking spaces (two for each dwelling).

12.0 Open Space Provisions

12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 Amenity.

Amenity issues such as overlooking and overshadowing have been raised as concerns by neighbours. With regards to overshadowing the distances to neighbours would ensure that overshadowing would not be an issue. For instance, Plot 1 is approximately 21m from the nearest dwelling at Valley View (to the east) and 23m from the nearest dwelling on Chapel Lane to the north (and each has a road between it and the site), whilst Plot 3 (a bungalow) would be 20m from Appletrees (to the east of the plot). These distances alone would ensure that no neighbouring dwelling would be overshadowed. Homecroft itself would be 6m at the closest point with Plean Cottage but the orientation would ensure that there would be no shadows cast to the dwelling. Both Plean Cottage and Plot 1 would be houses with first floor windows and so the potential to overlook surrounding neighbours must be examined. Plean Cottage would have one first floor rear elevation window and it would not serve a habitual room. This window would be approximately 9m from the boundary with the nearest neighbour (number 5 Valley View). This boundary is the frontage and the neighbours dwelling is set back a further 8m, making a total of 17m from the window. As this window does not serve a habitual room there should be no meaningful opportunity to overlook this neighbour – especially with the boundary hedge in place (and strengthened). However, it would be prudent to remove Permitted Development Rights to insert any new rear elevation first floor openings or roof lights/dormer windows as these would have the potential to serve bedrooms and this could result in overlooking. The proposed rear elevation of Plot 1 would have two first floor windows – one serving a hallway and one serving a bedroom. This bedroom window would be 20m from the boundary with Laborne and 23m from the boundary with number 5 Valley View. These distances are acceptable and would not result in any amenity loss to these neighbours. The proposed front elevation would have three first floor windows – two serving bedrooms and one to a bathroom. The relationship here with the neighbour of ‘Twain’ (a bungalow) is closer, being approximately 19m from the front elevation of ‘Twain’, but is still acceptable that it is a front elevation which already has some public views into the frontage. It is therefore considered that the proposal comply with DP1 and DP13.

The revised scheme has no first floors and all of the four dwellings would be bungalows, therefore there would be no material overlooking possible to existing neighbours.

15.2 Design.

Comments have been received that the scheme is cramped, an over-development, should only be bungalows and the gardens are too small. Policy DP16 requires three bedroom dwellings to have a minimum of 60 sqm of private amenity space and four bedroom dwellings to have a minimum of 100 sqm. The proposed scheme easily meets this standard with the smallest of the three bedroom dwellings (Plot 3) offering approximately 120 sqm of private amenity space and Plot 1 (four bedrooms) with around 110 sqm. None of these figures include the space taken up by parking spaces. Given these figures it cannot be agreed that the scheme is an overdevelopment. Whilst there are some very large gardens in the surrounding area, these exceptions to the more modest sized plots in the neighbourhood and the proposed plot sizes are in line with the character of the area and Policy DP16. The scheme is a mix of houses and bungalows and this does reflect the existing character around the site – with the bungalows located on the land that drops in levels. Whilst some of the objectors believe that having Plot 1 as a house is inappropriate for the area, there are several houses fronting Chapel Lane (including Homecroft itself). Plot 1 would be slightly closer to the highway than the existing properties, but would have a small garden to the front which would soften the visual impact in the street scene. The cul-de-sac layout is acceptable and the adjacent Valley View is a cul-de-sac itself so the scheme is not against the pattern of development in the area. The scheme was subject to a lengthy Preliminary Enquiry where the Council's Urban Designer had a strong input. This current application has the support of the Urban Designer who has recommended conditions regarding detailing. The comment that the garage gables facing the road is inappropriate seems misjudged as only one garage could be described as facing Chapel Lane and it is set back 13m from the highway and would have no real presence in the street scene. With these consideration the proposal complies with UR2 and DP1.

Plot 1 now is a three bedroom bungalow and would have approximately 120 sqm of garden whilst Plot 4 (Plean Cottage) would also be a three bedroom bungalow with approximately 127 sqm of garden. Therefore, the proposed amenity areas are significantly over the standard in DP16 and could not possibly be considered to be cramped or overdeveloped.

The agent has confirmed that the site was subject to a full topographical survey and both the design of the original and current proposal were based on that, and were not based on electronic mapping. That parts of Plots 2 and 3 would be part built off the ground reflects the characteristics of the site and this element of the design would have limited visibility and does not raise any concerns.

In the October Committee meeting the Parish stated that the proposal was contrary to the Village Design Statement, due to the design of Plot 1 and the white picket fence. These elements have now been re-designed and it is noted that the Parish have not commented that the amended scheme is contrary to the Village Design Statement anymore. Whilst Plot 1 was originally designed to mirror the design of Homecroft, the current scheme reflects the bungalows found along Chapel Lane.

15.3 Highways

Chapel Lane is a narrow road - although capable of allowing traffic to pass in either direction. Chapel Lane outside the application area drops to the south-west where it meets Spring Lane. Objectors have claimed that Chapel Lane already has a high volume of traffic and is a rural road. In Officers opinion neither of these views are wholly correct. Chapel Lane maybe narrow with no kerb or road markings but is in a residential area. The proposed four new dwellings would all use Chapel Lane and concern over the resulting increase in vehicle movements/congestion has been raised. The Highway Authority at Essex County Council have commented that Chapel Lane has low traffic volume and low vehicle speeds and have not objected to the scheme. The physical attributes of Chapel Lane – the narrowness, lack of markings and gradient – would strongly suggest that drivers would be very unlikely to be driving at fast speeds. It is also considered that the resulting vehicle movements from the proposed dwellings would not significantly increase vehicles on the road or congestion in the area. The parking spaces that would be provided would provide adequate off-street parking. In the case of Plot 1 the garage has internal measurements to allow it to be considered as a parking space. Whilst one parking space is indicated in front of the garage another car could easily park on the drive in front of this space. Plots 2 and 3 have garages provided but the internal dimensions of them mean that they could not be considered to be a parking space, however two parking spaces are shown in front of the garages and like Plot 1, the drive could accommodate another vehicle on each drive. Plean Cottage is shown to have two off-street spaces. Given these spaces the proposal provides off-street vehicle parking to the adopted Standard and accords with DP19.

Highways have seen the new layout and do not want to make any further observations. As a development of four, three-bedroom dwellings the Parking Standard requires eight off-street parking spaces and 0.25 visitor spaces to be provided for each dwelling, making a total of nine spaces. Plots 2 and 3 both have two vehicle parking spaces indicated but also have room to accommodate an additional vehicle each on their drive. However, these spaces could only realistically be available to their visitors, not those of Plots 1 and 4. This has been discussed with Highways and they do not view this as an issue to warrant refusal as there is capacity around the site for occasional parking.

The Parish request for a lorry management plan appears somewhat unjustified as Highways have not requested such a condition and that the site is large enough to accommodate delivery lorries off-street.

The comment that the planting would reduce visibility seems at odds with the majority of the original comments that wanted the hedge re-instated, and the concern is not supported by Highways.

15.4 Flooding/drainage.

Many of the objectors have expressed concern on how the proposed development would increase flooding in the area and have stated that flooding is a long standing issue in the area. First of all it should be noted that the site is not in any recognised Environment Agency Flood Zone. In fact, the nearest Flood Zone is approximately 700m south of the site around the stream at Newbridge Mill. However, given the topography of the site and the surrounding area, localised flooding would not be unexpected. To address this possibility and the concern raised by the neighbours, the

applicant has offered to install rainwater harvesting systems at each of the proposed dwellings. The rainwater that would be harvested from each roof would be collected in underground tanks and used for toilet flushing, limited washing and for garden watering. The applicant has stated that the size of each tank would be determined by the provider of the systems based on the size of the dwelling and the roof area. The applicant has also restated that they would use only permeable material for hard standing. Both of these features should result in no increase in surface water leaving the site than the current arrangement and these features are considered to adequately address the flooding concerns of residents. It would be advisable to condition the precise details – such as the capacity of the storage tanks and the exact material for the hardstanding, along with the position of the soakaways. The proposal therefore accords with Policy DP20.

15.5 Other matters raised.

Comment has been made that the proposal will result in loss of outlook to the existing neighbours. Given the already stated distances to neighbours (over 20m in most cases), the proposed scheme would not impact on outlook. Some neighbours will of course have a view over the site altered, but loss of a private view is not a valid planning consideration.

The site has been cleared of vegetation in the centre but screening remains to the boundaries with neighbours. This existing screening should be conditioned to be retained and protected during the construction phase and should be enhanced in areas where there are gaps via a landscaping condition.

Concern has been raised over potential damage to existing dwellings by the digging of foundations. The two objectors who have raised this are both over 20m from the site so it would be doubtful if the digging of foundations could impact on dwellings such a distance from the development.

With regards to the visual impact and the impact on the village scape, the site is within the settlement boundary although close to the fringe. There are existing houses in the area and the two proposed houses would not fundamentally change the character of the immediate area or the village. Neither would they appear alien to the area, especially given that Plot 1 (that would front Chapel Lane) would be very similar in design to Homecroft.

16.0 Conclusion

- 16.1 Whilst the proposal has attracted a lot of objection, the scheme accords with Policies that concern, amenity, design, parking and flooding.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 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 1502/4, 1502/6 (Plots 2 & 3), 1502/1D, 1502/16, 1502/17, 1502/18, 1502/19 and Location Plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall 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 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

4 - Non-Standard Condition/Reason

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

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

5 - Non-Standard Condition/Reason

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 11 metres to the north east and 2.4 metres by 11 metres to the south west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

6 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.

7 -Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

8 - Non-Standard Condition/Reason

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

9 - Non-Standard Condition/Reason

Prior to the commencement of development, there shall have been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the publicly visible parts of the site and boundaries, which shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

10 - Non-Standard Condition/Reason

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

11 - Non-Standard Condition/Reason

Prior to the commencement of development, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate visual amenity in the local area.

12 - Non-Standard Condition/Reason

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall 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.

13 - Non-Standard Condition/Reason

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.

14 - Non-Standard Condition/Reason

No development shall commence until a scheme for the surface water drainage systems (including soakaways) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety prior to the first occupation of the units.

Reason: To prevent any increased risk of flooding by providing a satisfactory means of surface water disposal.

15 - Non-Standard Condition/Reason

No development shall commence until full and precise details of the underground rainwater storage containers (including the capacity of each container) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety prior to the first occupation of the units, and shall be maintained thereafter.

Reason: To prevent any increased risk of flooding by providing a satisfactory means of rainwater storage.

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

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

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

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 152755

Location: Winsleys House, High Street, Colchester, CO1 1UG

Scale (approx): 1:1250

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7.8 Case Officer: Carl Allen**MINOR****Site:** Winsleys House, High Street, Colchester, CO1 1UG**Application No:** 152755**Date Received:** 4 January 2016**Agent:** Godden & Rudling Building Services Ltd**Applicant:** Mrs Tracy Rudling**Development:** Proposed timber framed and timber shiplap clad mobile scooter enclosure.**Ward:** Castle**Summary of Recommendation:** Conditional Approval**1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because Cllr Laws has called the application for the following reasons ‘..I am concerned about its impact on crime and fear of crime for neighbouring Greyfriars Court Residential Development. This is because the use the new structure could result in increased number of people accessing the site which is currently secured by locked gates. Lots of people accessing this structure has the potential to compromise the security for the nearby residents should the gates not be secured when used. I have also some Health and Safety concerns about the new structure because of the fire risks associated with timber and given the proposed structure is to store battery powered motor vehicle devices’.

2.0 Synopsis

- 2.1 The key issues explored below are that of the impact on the setting of the Listed Building and Conservation Area, the local amenity and the design.

3.0 Site Description and Context

- 3.1 Winsleys House is a Grade II Listed Building with a frontage onto the High Street. The building is used by the Colchester Community Voluntary Services. The attached neighbour to the east is Greyfriars (also Listed) whilst Gate House is attached to the west. To the north is the rear yard of Winsleys House with a brick wall forming the boundary with the residential development of Greyfriars Court beyond. The site is in the Conservation Area.

4.0 Description of the Proposal

- 4.1 The proposal is for a detached outbuilding that would be used as a mobility scooter store. The proposed building would be single-storey and 7m long, 2.5m wide and 2.5m high. The building would have a brick plinth with shiplap boarding for walls and mineral felt roofing. The proposed outbuilding would be located in the rear yard, approximately 1.5m from the rear of Winsleys House and 0.4m from the boundary wall with Greyfriars Court.

5.0 Land Use Allocation

- 5.1 Mixed Use.

6.0 Relevant Planning History

- 6.1 Nothing that relates directly to this proposal.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

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

DP1 Design and Amenity
DP14 Historic Environment Assets

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

The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Conservation Officer – No objection but have concerned that the concrete slab directly next to the Grade I Listed Building next door might aggravate any risk of dampness and potentially cause rot. There should be a breather gap between the shed and the wall. This could be made up of a breathable floor detail so that the shed can go adjacent to the wall.

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

9.0 Parish Council Response

- 9.1 N/A

10.0 Representations

- 10.1 23 objections received. Object due to:

- Visual impact
- loss of view of Grade I and II Listed Buildings
- the design and position would have significant impact on the rear elevations of Winsleys House and Gate House
- harmful effect on the Conservation Area
- does not preserve the Conservation Area or the setting of the Listed Buildings
- unsympathetic design
- intrusive in the location
- not in keeping with the character and style of neighbours
- height would be at least 700mm above the wall and visible to 12 flats of Greyfriars Court
- not clear if it would be used for storage or an extension to the office
- would be a change of use to a commercial distribution centre for mobility scooters and would be a further deterioration in security and increase intrusion into the gated residential development of Greyfriars Court.
- CCVS will not be able to test scooters in Greyfriars Court
- will increase noise, vehicle movement and footfall in Greyfriars Court
- any increase in hours will increase noise
- lifestyle will change due to intrusion of general public
- will encourage the public who wish to hire collapsible scooters that fit into cars to use the Greyfriars Court estate road
- roadway is a shared between vehicles and pedestrians and is not lit
- increase in traffic will be a danger to residents of Greyfriars Court
- no access for scooters from High Street
- concerned over fire risk from batteries being charged needs design from guidance from Fire Protection Association
- will increase wear and tear on electric gates
- if public are given security code for gates the insurance premium will increase
- will impact on light to their windows and garden
- people would climb over the store and break into their property

- if approved need to condition external colour
- any electric cables should not be attached to Gate House

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

11.0 Parking Provision

11.1 No change.

12.0 Open Space Provisions

12.1 N/A.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 With regards to amenity, concern has been raised that the proposal would reduce light to the neighbours window and garden. The immediate residential neighbour is Gate House to the west of the proposed shed. Whilst the shed would be located close to the neighbour, the height and orientation means that any overshadowing would be minor and only for a short period in the early morning. It also had to be considered that the proposed height would be 0.7m higher than the existing boundary wall and would be positioned approximately 0.5m away from the boundary wall and this would lessen the potential for an increase in overshadowing significantly. The proposal is therefore acceptable in amenity terms and accords with DP1.

15.2 Winsleys House and the adjacent Gate House are both Listed Buildings so the impact on the setting of the Listed Buildings is a key consideration. The proposed store would be located fairly close to the rear elevation of Winsleys House and its UPVC conservatory, so the part of the Listed Building that would be become obscured from outside the site has little historical interest. It is noted that the Conservation Officer has no objection but has requested a condition concerning the concrete pad due to how it may impact on dampness to Gate House. With such a condition there would be no structural impact to Gate House. The proposed materials, together with the design and scale of the building would not have any negative impact on the setting of the Listed Buildings or the wider Conservation Area. The proposal therefore complies with policies UR2, DP1 and DP14. It would be prudent to condition information on the finished colour of the external materials.

- 15.3 Many objectors have cited issues related to access through Greyfriars Court as a major concern. It has to be remembered that planning cannot make judgements on issues of a private right of access and is not therefore a planning consideration.
- 15.4 With regards to concerns about fire, this is a matter for Building Regulations but it is noted that timber can be treated to be fire resistant and there are (non-planning) regulations in place that control external material in close proximity to boundaries. This is not therefore a matter for Planning. There has also been concern raised about security. This is not held to be an issue that warrants the refusal of this application.
- 15.5 Objections have been raised that the proposal would result in the loss of a view of the Listed Buildings. The only view that would be lost would be a small part of the rear of Winsleys House and Gate House, the vast majority of the rear elevations would unobscured by the proposal. It also has to be remembered that the loss of a private view is not a justified reason to refuse an application and in reality is it only the flats of Greyfriars Court that could have any view of the proposal – not the general public. There is no increase in operational hours being proposed.
- 15.6 Matters that are not Planning concerns include the loss of a private view, the increase in wear and tear on the gates and the risk of fire. Many objectors have raised the fire risk from charging scooters in the proposed building. However, this is not a planning matter and would be covered by Building Regulations and Health and Safety.

16.0 Conclusion

- 16.1 The proposal would not result in any amenity issues, the design is acceptable and would not impact on the setting of the Listed Buildings or impact on the Conservation Area.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 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 CCVS01 and CCVS02 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

No works shall take place until samples of the materials (including colour of paintwork and colourwash) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In order to preserve the historic character of the listed building.

4 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, 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: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5 - Non-Standard Condition/Reason

No development shall commence until full and precise details of a breather gap between the hereby approved shed and the boundary wall has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety.

Reason: In order to preserve the historic character of the listed building.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

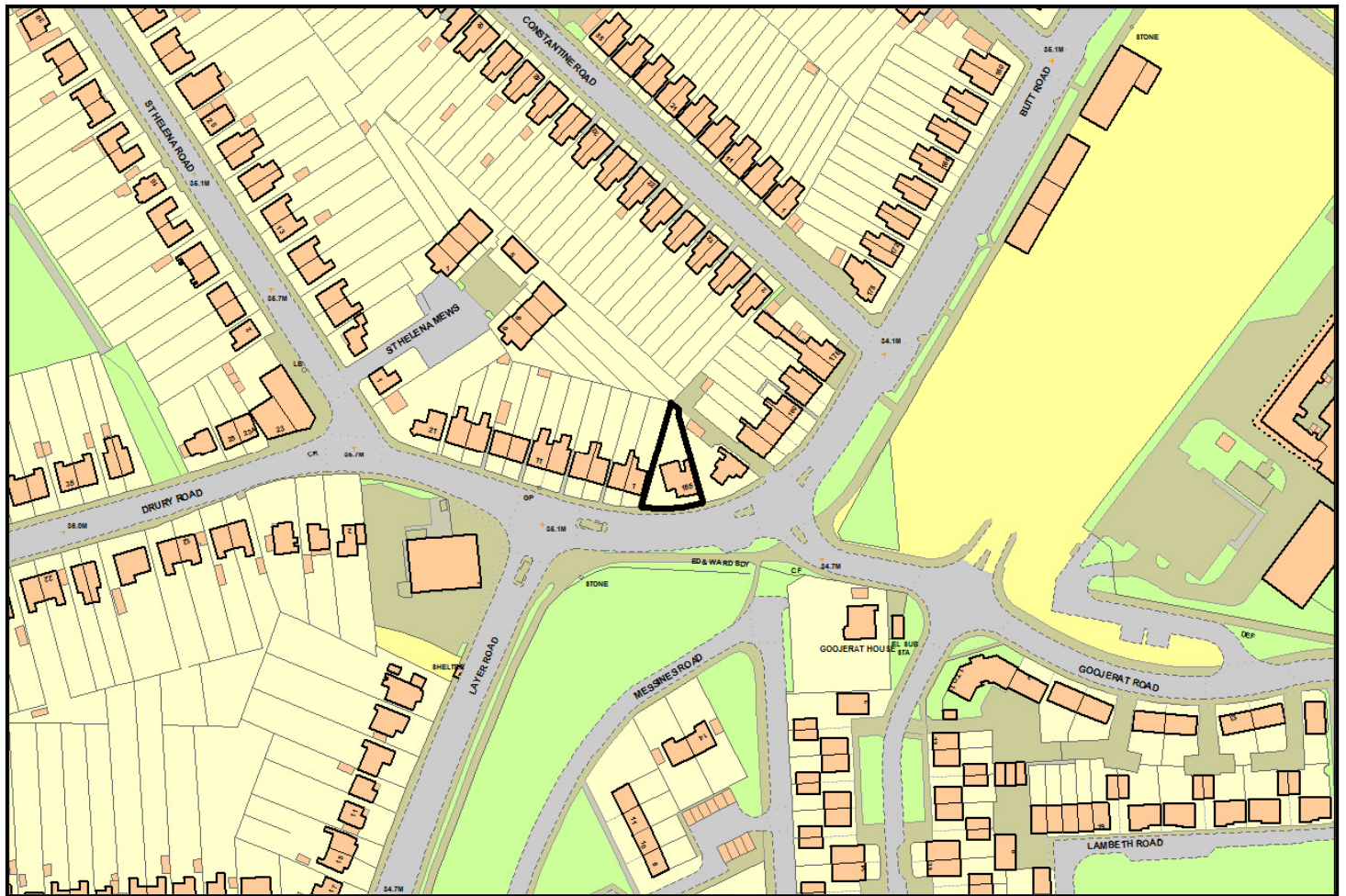
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

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

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 160023

Location: 185 Butt Road, Colchester, Essex, CO3 3DT

Scale (approx): 1:1250

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7.9 Case Officer: Chris Harden Due Date: 18/03/2016

HOUSEHOLDER

Site: **185 Butt Road, Colchester, Essex, CO3 3DT**

Application No: **160023**

Date Received: 13 January 2016

Agent: Mrs Sarah-Jane Stebbing

Applicant: Mr & Mrs Louise & Paul Ryan-Reader

Development: Erection of single storey rear extension to provide family room, wc and boot room. Erection of 1 1/2 storey single garage to side of existing dwelling (on footprint of pre-existing garage) with home office in attic storey.

Ward: Christ Church

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is a relative of a member of staff.

2.0 Synopsis

- 2.1 The key issues explored below are the design, scale and form of the extensions and their impact upon neighbouring residential amenity. It is concluded that the design scale and form of the extensions would relate satisfactorily to the character of the existing dwelling and would not detract from the character of the street scene. It is also concluded that there would not be any significant impact upon neighbouring residential amenity and that adequate amenity space and parking areas would be retained.

3.0 Site Description and Context

- 3.1 The site lies within the physical limits of Colchester with access directly off Butt Road. The existing property is a two storey detached house that has two storey residential properties on either side. It is also in an area of high archaeological potential.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of single storey rear extensions to provide a family room, WC and boot room to the side and rear of the property. There would also be the erection of a 1 ½ storey single garage attached to the dwelling (on the footprint of the existing garage) with a home office in the attic above the garage. The materials to be used would be a mixture of red brick, slate and weatherboarding in the upper part of the gable of the garage.

5.0 Land Use Allocation

5.1 Predominantly residential.

6.0 Relevant Planning History

6.1 None of particular relevance.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development

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

N/A

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

- Vehicle Parking Standards
- Extending Your House?
- The Essex Design Guide
- External Materials in New Developments

8.0 Consultations

8.1 Environmental Protection have no objections.

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

9.0 Parish Council Response

9.1 n/a

10.0 Representations

10.1 No representations have been received.

11.0 Parking Provision

11.1 2-3 vehicular spaces retained.

12.0 Open Space Provisions

12.1 Not applicable.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 This application is 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design, scale, form and layout

15.1 It is considered that the design, scale, form and layout of the extensions is in keeping with the character of the existing dwelling and would not be detrimental to this part of the street scene. Whilst the single storey extension on the rear to provide a family room would have a flat roof, it would not be visible from public viewpoints and would sit very quietly on the site. Its detailing and use of materials would also tie in well with the existing dwelling and so it is considered to be visually acceptable.

15.2 The single storey WC and boot room and the 1 ½ storey garage extension would actually represent a visual improvement compared to the existing garage building. The roof would be of an appropriate pitch and the overall size and scale of the extensions would relate well to the character of the dwelling and street scene

Neighbouring Residential Amenity

- 15.3 The applicant has raised the height of the bottom cill of the rooflights serving the home office to ensure that there would not be overlooking of the neighbour's rear garden from the home office. There are no other windows that overlook the neighbour's property. Overall the proposed extensions would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that all elements of this proposal satisfy this requirement.
- 15.4 Similarly, there are no concerns regarding loss of light to the neighbouring property from any elements of the works. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House? SPD.

Archaeology

- 15.5 As the site lies within an area of high archaeological potential, the Council's archaeologist has been consulted. Any observations received, including any suggested conditions, will be reported to the Committee

Other Issues

- 15.6 Finally, in terms of other planning considerations the proposed development does not raise any concerns. Adequate amenity space and parking areas would be retained and there would be no impact upon vegetation.

16.0 Conclusion

- 16.1 The proposed extensions are visually acceptable and would be in keeping with the character of the existing dwelling and street scene. There would not be any significant loss of neighbouring residential amenity. If any condition is recommended by the Council's archaeologist, this can be applied.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions plus any condition suggested by the Council's archaeologist.

18.0 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: Location plan and block plan received 13/1/16, 2052.10a and 2052.11a received 3/3/16.

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

3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

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

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

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Application No: 160211

Location: 7 Wesley Avenue, Colchester, CO4 3AT

Scale (approx): 1:1250

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7.10 Case Officer: Nadine Calder Due Date: 18/03/2016 **HOUSEHOLDER**

Site: 7 Wesley Avenue, Colchester, CO4 3AT

Application No: 160211

Date Received: 22 January 2016

Agent: Mr P Tyler

Applicant: Mr & Mrs Yell

Development: Single storey front extension

Ward: St Annes

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the agent works for the Council on a consultancy basis.

2.0 Synopsis

- 2.1 The key issues explored below are the design of the proposal and its impact on the amenity of the neighbours. Both are considered to be acceptable and therefore an approval is warranted.

3.0 Site Description and Context

- 3.1 The application site comprises of a semi-detached property located on the southern side of Wesley Avenue within a predominantly residential area. To the rear, the property benefits from an existing single storey extension and there is ample amenity space to both the front and rear of the property. The directly adjoining neighbour (No. 5) lies to the east of the application property while to the west the site abuts No. 9 Wesley Avenue.

4.0 Description of the Proposal

- 4.1 The application seeks permission for a single storey front extension measuring 3.5m in width and 2.35m in depth. Provision would be made for a downstairs cloakroom and a larger hall. The extension is proposed to be built using brown Redland 49 tiles, white upvc joinery and red face bricks to match the existing bricks on the property. It was originally proposed to provide a front extension along the entire width of the property however, this has since been reduced in scale following discussions between the Agent and the case officer. The extension is now proposed on the north western side of the property only rather than across the entire frontage.

5.0 Land Use Allocation

- 5.1 The site is located within the defined settlement limits and a predominantly residential area where development such as this is acceptable in principle.

6.0 Relevant Planning History

- 6.1 There is no planning history that is particularly relevant to the current proposal.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

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

Extending Your House?
The Essex Design Guide

8.0 Consultations

- 8.1 Cllr Cook raises no objection to the (original) proposal.

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

9.0 Parish Council Response

- 9.1 This area is non-parished.

10.0 Representations

- 10.1 None received.

11.0 Parking Provision

- 11.1 The proposed development would not impact upon the on-site parking provision which complies with current standards.

12.0 Open Space Provisions

- 12.1 This scheme raises no concerns in terms of open space.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application is 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The design of the proposed development is considered satisfactory on its own merits. The proposed front extension, having been reduced in width, is modest in size and scale which would neither materially nor visually affect the character of the dwelling itself or that of the surrounding area to such a degree that would be visually or materially harmful. Furthermore, the use of matching materials would ensure that the impact of the proposed development on the surrounding area would be limited. Despite the directly adjoining neighbour being of the same design, there is no

overriding character in design, appearance and scale in the immediate vicinity of the application site which needs to be preserved. Notwithstanding this, the proposed development is of fairly small scale and has been designed to be in keeping with the host dwelling while existing soft landscaping features along the frontage of the application site aid in softening its impact on the wider area. Consequently, the design and layout of the proposed development are acceptable.

- 15.2 As a result of its single storey height and location to the front of the property, coupled with the distance to the neighbouring property, the proposed extension would not appear overbearing on the outlook of neighbours nor would it have any materially harmful impacts on the amenities of neighbouring occupiers in terms loss of light or loss of privacy.
- 15.3 Finally, in terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns. The proposed development would not impact on the provision of parking which complies with current standards.

16.0 Conclusion

- 16.1 This modest scheme is only before Members as the applicant's agent works for the Council on an ad-hoc consultancy basis. The scheme is acceptable in design terms and raises no issues in terms of its impact on amenity. An approval is warranted.

17.0 Recommendation

- 17.1 APPROVE subject to conditions.

18.0 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 675-1A, 675-2A and 675-4A.

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

19.0 Informatives

- 19.1 N/a

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.