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Item No: 7.1

Application: 181309

Applicant: Mr Swindall

Agent: Mr Robert Pomery

Proposal: Development consisting of 135 bed space Student Accommodation within five terraces of Town Houses and a Studio Block, complete with Car and Cycle Parking and Bin Store.

Location: Land to North of, Elmstead Road/East of Swan Close, Colchester

Ward: Wivenhoe

Officer: Lucy Mondon

Recommendation: Approval subject to conditions and S106 agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it requires a S106 agreement and because it constitutes major development where objections have been received.

2.0 Synopsis

- 2.1 The key issues for consideration are
- The Principle of Development
 - Landscape Impact and Landscaping
 - Heritage Matters
 - Design and Layout
 - Highway Matters
 - Amenity
 - Contamination
 - Ecology
 - Flood Risk and Drainage
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval, including a S106, is recommended.

3.0 Site Description and Context

- 3.1 The application site is roughly triangular in shape, with an area of 0.75 hectares. It is located within the Settlement Boundary of Colchester, between St Andrews Avenue (A133) to the north, Elmstead Road to the south and Swan Close to the west, and is within an area identified as being predominantly residential in the Council's Local Plan.
- 3.2 The site is currently a vacant field; there is a field gate securing the site and a hedge with ditch along the southern boundary with Elmstead Road; this presents a semi-rural character, although there is a much more urban feel immediately west of the site with the existing residential development on Elmstead Road and Swan Close. To the south of the site is an ambulance depot and a Grade II listed building (Salarybrook Farm); the farmhouse lies within the part of the Knowledge Gateway of the University of Essex that is yet to be developed. Pedestrian access to both the University and the Knowledge Gateway is immediately south and east of the site. There are bus stops along Elmstead Road with routes to and from the town centre and there is pedestrian/cycle access along the Salary Brook Trail to the north of the site via Swan Close.

3.3 Part of Salary Brook runs along the western boundary of the site and Environment Agency Long Term Flood Risk Information records at least half of the site (the western side) as being at high risk of flooding from rivers of the sea as a flood zone 2 and 3. The same area of the site is also recorded as being between low and high risk of flooding from surface water, as well as the entire site being at risk of flooding from reservoirs.

3.4 There is a gas main that runs through the site north-south.

4.0 Description of the Proposal

4.1 The proposal seeks planning permission for a 135 bed student accommodation, comprising:

9 x 9-bed units

6 x 7-bed units

11 studios

1 x 1-bed flat

4.2 Associated common room, reception, office, laundry room, and post room.

4.3 Each of the units includes an accessible room (with ensuite).

4.4 The proposal includes a communal bike store, outdoor amenity space, bin store, and a small element of car parking. Approximately 1/10th of the site on the western side would remain undeveloped as flood attenuation/mitigation and parts of the developable area would have ground levels raised in order to bring them out of floodzone 2.

4.5 The application is supported by the following documents:

- Location Plan, Block Plan, Floor Plans, and Elevations;
- Arboricultural Assessment
- Archaeological Evaluation and Written Scheme of Investigation
- Design and Access Statement
- Draft Travel Plan
- Ecological Appraisal
- Flood Warning and Evacuation Plan
- Flood Risk Assessment (and subsequent information relating to SUDs)
- Land Quality Statement
- Noise Assessment
- Planning and Heritage Statement
- Surface Water Management Plan

5.0 Land Use Allocation

5.1 No site allocation; identified as predominantly residential.

6.0 Relevant Planning History

6.1 Outline Planning Permission was granted in 2014 for 18 No. residential units and changes to ground levels (ref: 143740). A Reserved Matters application has now been submitted (ref: 172943) and is currently under consideration.

6.2 The current proposal has been subject to pre-application discussions.

7.0 Principal Policies

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

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- 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 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development

- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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

SA EC1 Residential development in East Colchester

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

- Backland and Infill
- Provision of Community Facilities
- Vehicle Parking Standards
- Sustainable Design and Construction
- Provision of Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy
- Street Services Delivery Strategy
- Sustainable Drainage Systems Design Guide

7.6 Submission Colchester Borough Local Plan 2017-2033:

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

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

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

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

8.0 Consultations

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

8.2 Anglian Water

- There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary;
- The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows;
- The sewerage system at present has available capacity for these flows;
- Anglian Water require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted;
- The proposal includes an employment/commercial use and discharge trade effluent from trade premises to a public sewer requires Anglian Water consent.

Recommended condition for a surface water management strategy to be submitted for approval.

8.3 Arboricultural Officer

In agreement with the TPS Arboricultural Impact Assessment submitted. Recommended condition for a scheme of supervision for arboricultural protection measures to be submitted for approval.

8.4 Archaeological Adviser

An acceptable programme of archaeological investigation has been completed, in accordance with the approved written scheme submitted to the Council. Consequently, I have no objection to the full discharge of the archaeological condition.

8.5 Building Control

No comments received.

8.6 Cadent Gas

No objection. There is a high pressure gas pipeline local to the proposal; landscaping within the easement is restricted and formal written approval must be obtained from Cadent Gas prior to any works commencing.

8.7 Contaminated Land Officer

Based on the information provided, the site could be made suitable for the proposed use, with the remaining matters dealt with by way of planning conditions. Recommended planning conditions relating to the procedure should any unexpected contamination be encountered; details of the land raise methodology for all material being re-used on site or from off site; and all imported materials to be used in soft landscaping areas to be verified as suitable for use in accordance with the Essex Contaminated Land Consortium's Technical Guidance Document.

8.8 Environment Agency

No objections. Standing advice regarding flood risk provided.

8.9 Environmental Protection

No objection subject to conditions requiring the submission of a construction method statement for approval, as well as securing the provision of windows with enhanced passive ventilation and sound reduction, communal bin stores to be fitted with lockable doors and impervious flooring, and lighting to comply with the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 Rural, Small Village, or Dark Urban Areas.

8.10 Essex Wildlife Trust

No comments received.

8.11 Flood Resilience (CBC)

The site is directly in Flood Zone 3 and the site is on low ground. It seems there is a greater Fluvial Flood Risk than a Tidal flood risk due to the flood defences in place along the Colne River.

The flood resilience measures suggested should be put in place by the owner/developer to ensure that the building can dry quicker and residents can return home quicker in the event of a flood.

The Council will support the emergency services with evacuation of residents in the event of flooding, as well as provide shelter for them, but the business running these premises will need to have their own contingency plan in place in the event of flooding. This should contain an evacuation plan, as well as details of accommodation where residents can be moved to temporarily in case of flooding. A Flood Warning and Evacuation Plan has been submitted and all the advised flood precautions contained within this should be undertaken. A Business Flood Plan is required in order to ensure that a mass evacuation can be accommodated if necessary.

8.12 Health and Safety Executive (HSE)

The HSE does not object to the granting of planning permission on safety grounds.

8.13 Heritage Advice

The proposal has undergone amendment during the application process. The following is a summary of heritage advice received during this process, focussing on the conclusions reached:

Salary Brook Farmhouse was originally set in a rural environment. With the expansion of Colchester and the development of the university, the character of the landscape surrounding Salary Brook Farmhouse has fundamentally changed. The application site is identified for development in the local plan and a planning application has recently been approved for residential development on this site; the approved scheme proposed standard two storey suburban housing. The principle of this site being developed has therefore been established.

The boundary of hedge to Elmstead Road is an important feature both in the local street scene and in terms of the setting of the Salary Brook Farmhouse and associated outbuildings. In order to maintain the character of the street, the retention and strengthening of the hedge is considered essential; the structure of the hedgerow should not be fragmented by new openings.

It was previously noted that additional windows had been inserted in the south elevation and that these provide added interest and natural surveillance to the street but that the amended scheme did not resolve the issue of the stilted appearance of the façade. It was suggested that this could be mitigated by the introduction of an extended dormer window which breaks through the eaves. This feature has now been introduced and, as such, I wish to make no further comments in respect of the building design.

The removal of the hedge to allow for access to the site is considered minimal. It is not currently known whether the substation is required. The design of the substation / the landscaping of this area will need to be the subject of appropriately worded conditions.

There is no objection to this application on heritage grounds. In reaching this decision, regard has been given to the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting and to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires application to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant local plan policies are CS ENV 1 and DPD DP14. It is considered that the application meets the requirements of the NPPF.

Should you be minded to recommend the grant of planning permission, conditions should be attached to cover materials, architectural detailing, the design of the substation (if required) and landscaping (including the retention of the hedge).

8.14 Highway Authority

The proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to conditions for a construction traffic management plan and the provision of visibility splays and Residential Travel Information Packs.

8.15 Landscape Officer

The landscape proposals are considered to be satisfactory subject to conditions for a landscape management plan and full details of all landscape works to be submitted for agreement.

8.16 NHS

No comments received.

8.17 Street Services

No comments received.

8.18 SUDs

Currently a holding objection in the absence of further information. A further submission has been made and SUDs comments are forthcoming.

8.19 Urban Design

Although the Urban Designer supports the architectural approach, they object to the following:

- Lack of strategic desire-line foot and cycle link though the site (along the Salary Brook) and contribution to an improved cycle link to Elmstead Road;
- The green space to the west of the site is underutilised and lacks public open space in conflict with policy DP16 (this would be resolved with a public path through the space as recommended above); and
- The scheme would have a detrimental impact on the neighbouring listed building, failing to adequately reduce the sense of form and massing of the nearest building.

If approval were recommended, key building and boundary treatment materials and details should be conditioned to provide clarity and ensure quality.

9.0 Parish Council Response

9.1 No comments received.

10.0 Representations from Notified Parties

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

10.2 Wivenhoe Society

Given the proximity to the University Campus using the site for student accommodation seems a sensible idea.

The amount of parking provided (5 spaces for 135 bed spaces) does however seem low. The development of privately provided student accommodation on land between Haven Road and Kind Edward Quay (application number 120380) shows 153 student parking spaces (plus some shared spaces) for 765 bed spaces according to the application form. The ratio of dedicated parking spaces to bed spaces for the Haven Road development is therefore 0.2 compared to the 0.037 for this current proposal. There is a danger that it will lead to on street parking in nearby residential roads.

The application form shows the site as lying in the Greenstead Ward. Was this area not incorporated into Wivenhoe Ward at the last boundary change?

10.3 Objections (2)

- Need to consider existing private properties. Mascot Square is a narrow road and, during term time is often packed with cars belonging to students (parking and then walking to the university). Concern that this situation will get worse.
- Elmstead Road and Mascot Square are at saturation point with rented student accommodation. The area will suffer as a result of a development of this size and position. It is of no benefit to local householders.

10.4 General Comment (3)

- The site is within a flood zone. Something will need to be done about the flood potential as displacing the water would mean it would need to go elsewhere.
- Concerns regarding:
 - Impact on flood risk in the area
 - Potential for additional noise pollution
 - Increased footfall in the residential area and, therefore, need for a separate access path to the site
 - The potential for abusing parking regulations in the local area
 - Lack of adequate screening of the site and its boundary with Swan Close

- University concerns: The proximity is the cause of concern. The proposed development near Elmstead Road / East of Swan Close, located on the boundary to the University campus, poses the following potential risks:
 - It affects the ability for the University to further grow student accommodation on campus. There is a considerable benefit to our students of living on campus in University owned or administered accommodation, in an environment that we control. The University is best placed to serve the accommodation needs of our students.
 - Our students do much of their socialising on campus. This is in a controlled environment with 24 hour security and pastoral care. The proposed scheme provides a potential risk for the lively social environment of the campus to extend out to this adjoined location. The teams employed to ensure a safe social environment for students on campus would have no jurisdiction to venture into this location to provide the same controlled environment of the University campus.

11.0 Parking Provision

- 11.1 The Vehicle Parking Standards SPD does not specify parking requirements for purpose built student accommodation. It is important to note that if the parking requirements were taken to fall under a residential institution (Class C2) the car parking requirements of the SPD would be on a maximum basis.
- 11.2 The proposal does not include any car parking other than 5 No car parking spaces (3 of which are accessible spaces) that would be used for staff and students with accessibility needs.
- 11.3 Secure, covered cycle parking is proposed for 68 No. bikes. Additional visitor spaces, in the form of Sheffield stands, are also proposed within the courtyard area in the centre of the site.

12.0 Open Space Provisions

- 12.1 The proposed scheme includes a central 'green' of approximately 480sqm. This area includes a lawn and outdoor seating area for use by the residents.
- 12.2 No public open space is proposed.

13.0 Air Quality

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

14.0 Planning Obligations

- 14.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:
- Membership of the Colchester Travel Plan Club for 10 years;

- The development to be for student residences only; and
- For there to be a tenancy agreement to control cars being brought to the site and the surrounding area.

In addition to the above, the site is within a zone of influence of a European designated site and in order to comply with the Habitats and Species Regulations 2017 (as amended), mitigation of any recreational impact will be required in accordance with the forthcoming Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). This will equate to a financial contribution that can be secured via S106 agreement.

14.2 Contributions towards education, public open space, and community facilities were not considered necessary given the nature of the proposal for students.

15.0 Report

15.1 The main issues in this case are:

- The Principle of Development
- Landscape Impact and Landscaping
- Heritage Matters
- Design and Layout
- Highway Matters
- Amenity
- Contamination
- Ecology
- Flood Risk and Drainage

Principle of the Development

15.2 Core Strategy Policy SD1 seeks for development to be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy; Colchester Town and Stanway being at the top of this hierarchy. Following the theme of sustainability, Core Strategy Policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy for Colchester. A key aspect of this is the improvement of accessibility by enhancing sustainable transport links and encouraging development that reduces the need to travel. Developments that are car-dependent or promote unsustainable travel behaviour will not be supported.

15.3 The site is located within the settlement boundary of Colchester, in an area identified as having potential for residential development. The proposal includes only a limited amount of car parking on site and there are bus stops within 300m of the site so the proposed development is not car-dependent. Given that the proposal is for student accommodation, provided the residents are enrolled at the University of Essex, the University campus and its wealth of facilities are within a short distance from the site, many of which are also open to members of the public. The proposal is therefore considered to be in accordance with sustainable principles of the Local Plan.

- 15.4 Further, it is important to note that Outline Planning Permission has previously been granted for residential development at the site, thereby accepting the principle of residential development in this location. The principle of the specific scheme will be dependent upon other material considerations as assessed in the remainder of this report.

Landscape Impact and Landscaping

- 15.5 Development Plan Policy DP1 states that development proposals must demonstrate that they, and any ancillary activities associated with them, will respect or enhance the character of the site and landscape setting.
- 15.6 The landscape impact of the proposal has been discussed and negotiated at length during pre-application stage and during assessment of the planning application stage, the primary concern being the retention of the southern boundary hedge so that the verdant character of the area is maintained as much as possible. The proposed scheme retains the hedge and the parts of the hedge that have deteriorated can be gapped up which is seen as a positive feature of the proposal. The Council's Landscape Officer has confirmed that they consider this aspect of the proposal, as well as the hard and soft landscaping concept for the remainder of the site to be acceptable subject to conditions requiring detailed design.
- 15.7 In terms of trees, the Arboricultural Impact Assessment identifies the trees on site as either Category B or Category C. With the exception of some coppiced stumps, all trees on site are proposed for retention, as well as protection during development of the site. A section of the southern hedge is proposed for removal to improve the access to the site. The Council's Arboricultural Officer has confirmed that they are in agreement with the submitted report and, consequently has no objection to the proposal subject to a condition for tree protection measures.
- 15.8 The retention of principal landscape features (i.e. the hedge and established trees), as well as the opportunity to strengthen the southern boundary hedge and introduce additional planting leads to the conclusion that the proposal does respect, and to a certain extent enhance, the landscape character of the site in accordance with policy DP1.

Heritage Matters

- 15.9 S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant adopted Local Plan policies in respect of heritage are Core Strategy Policy ENV1 and Development Plan Policy DP14. Both Core Strategy Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic Environment. Development Plan Policy DP14 makes

it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains.

- 15.10 Paragraph 194 of the NPPF (2018) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 and 196 deal with substantial harm and less than substantial harm respectively. Where less than substantial harm is caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 15.11 The application site lies in close proximity to a grade II listed building (Salarybrook Farm). As identified in the heritage advice, Salary Brook Farmhouse was originally set in a rural environment. The expansion of Colchester and the development of the University has, however, fundamentally changed the character of the landscape surrounding the farmhouse. Future development of the Knowledge Gateway surrounding the farmhouse to the south will change the character even further. Development of the site would not, given the current context, have a significant impact on the setting of the listed building. This conclusion is compounded by the fact that residential development has previously been granted approval (Outline permission) on this site.
- 15.12 A primary feature in terms of the street scene and setting of Salarybrook Farm is the boundary hedge along Elmstead Road. Heritage advice is that, in order to maintain the character of the street, the retention and strengthening of the hedge is considered to be essential. The Council's Landscape Officer has also made similar comment. The proposal includes the retention of the hedge, as well as some additional planting to strengthen it, so the character of the street is maintained. A condition will secure the retention of the hedge and the additional planting.
- 15.13 In terms of the built form, the proposal would result in there being buildings closer to the listed building than currently. This in itself does not constitute harm to the setting of the listed building, especially as the expansion of Colchester has already resulted in built form encroaching closer to the listed building. The key to whether the setting is adversely affected lies in whether the siting and overall scale and proportions of the buildings are respectful to the heritage context. In this case, the proposed studio building lies closest to the listed building, being near opposite. The building is two-and-a-half storey, with the ridge line running east-west, thereby the slope of the roof rising away from the boundary and the listed building. The Urban Designer objects to the proposal due to the scale and form of this building in relation to the listed building. The building is of distinctly modern design, but its form is not dissimilar to the listed building itself, namely a linear form with gable ends and a pitched roof. In addition, the roof rises away from the listed building so its impact is less than if the gable ends were facing the listed building. The form is not, therefore considered to be at odds with the listed building. In terms of scale, the eaves of the building are elevated, but following heritage advice, a projecting window has been introduced that

breaks the eaves line and helps to visually drag down the height of the eaves. The Urban Designer's comments are noted, but given the conclusion that the form of the building is appropriate and the lack of any heritage objection, it is concluded that the proposal is acceptable in the setting of the listed building. Conditions will ensure that acceptable materials and architectural detailing are achieved.

- 15.14 In terms of archaeology, an Archaeological Evaluation of the site has been undertaken to the satisfaction of the Council's Archaeological Adviser. The archaeological investigation revealed that historic activity on the site dates to the medieval period, with ditches, pits and finds suggesting domestic occupation/settlement. A small quantity of prehistoric and Roman material was also recorded. As a full archaeological investigation has been carried out, there is no requirement to condition any further work and the proposed development is considered to be acceptable in terms of below ground heritage assets.

Design and Layout

- 15.15 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. In terms provision of outdoor space, Development Plan Policy DP16 sets out standards for private amenity space and public open space as part of new housing developments. In terms of private amenity space, a minimum of 100sqm is required for houses with 4+ bedrooms, with the requirement for flats being a minimum of 25sqm per flat provided communally. In terms of open space, the policy requires at least 10% of the gross site area to be provided as useable public open space. This would require 100sqm of private garden space for each of the 7-bed and 9-bed houses and 300sqm communal open space for the studio block. At least 750sqm public open space would be required.
- 15.16 The character of the surrounding area is mixed, with older buildings such as the grade II listed Salarybrook Farm and 1980s bungalows at Swan Close, as well as more recent development at Mascot Square and Capstan Place. The proposal is of a reasonable density (36 dwellings per hectare) and is not too dissimilar to the indicative layout of the approved Outline scheme with built form around a central area of open space and the western part of the site left undeveloped for flood attenuation/mitigation. The proposed buildings are of traditional form, with gable ends and pitched roofs, but they are distinctly modern in character, having a recessed gable element intermittent through the terraced blocks, incorporating vertical cladding and recessed/projecting windows and brick detailing. The Council's Urban Designer is supportive of the architectural approach and there are no objections to the design of the buildings in terms of the character of the area or the setting of the nearby listed building.

- 15.17 Given the variance of character along Elmstead Road, the proposal is not considered to incongruous in its context. The scale of the units are not too dissimilar to those found at Mascot Square/Capstan Place and the proposal would retain the hedge along Elmstead Road which respects the character of the site and the street scene.
- 15.18 The proposal does not include any private garden space, but does include an area of communal open space central to the site totalling approximately 480sqm. This area includes a lawn and outdoor seating area. Whilst the amount of amenity space provided would provide more than adequate communal space for the studio block in accordance with DP16, there would still be an absence of private garden space for the houses, as well as an absence of public open space required by the policy.
- 15.19 Given the nature of the proposal as student accommodation, where the residents will live communally, the absence of private amenity space is not considered to be detrimental to living standards. The communal open space is not vast in terms of its area, but it provides space for sitting out and socialising so is useable. Public open space is absent, but in terms of mitigating the proposal it should be noted that the close proximity of the University affords a number of facilities for sport and leisure that the students residing at this site are extremely likely to take advantage of; facilities on site are not therefore considered to be essential.
- 15.20 The proposal does not, therefore meet the requirements of DP16 in terms of amenity space and public open space, but is considered to be acceptable on the grounds of the nature of the use as student accommodation where communal space will be more greatly valued and sport and leisure facilities are currently provided off-site in close proximity to the site.

Highway Matters

- 15.21 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD.
- 15.22 The Highway Authority have confirmed that they find the proposal to be acceptable in terms of highway and transportation impact subject to conditions requiring approval of a construction traffic management plan, provision of necessary visibility splays at the access prior to occupation, and the submission of residential travel information packs. All of these matters can be conditioned.

- 15.23 The proposal is not considered to have a material impact on traffic generation given that limited parking is provided on site. Representations have been received from local residents who are concerned that the lack of car parking spaces on site will not deter car ownership and would result in increased on-street parking in the surrounding area, leading to obstructions. The limited car parking on-site is not considered to result in parking on road network immediately surrounding the site where there are double yellow lines. It is appreciated that there are roads and streets slightly further afield that do not have any parking restrictions where additional parking could cause obstructions. The Applicant has advised that a number of their existing sites elsewhere in the country are subject to a tenancy agreement that restricts tenants bringing a car onto site or into the surrounding area; an example tenancy agreement has been submitted as part of the application and a similar arrangement can be secured as part of this application via the S106 agreement.
- 15.24 The Council's Urban Designer has objected to the proposal due to a 'lack of strategic desire-line foot and cycle link though the site (along the Salary Brook) and contribution to an improved cycle link to Elmstead Road'. The comments are noted, but there is no policy requirement to provide a strategic foot and cycle link through this site. In terms of accessibility and sustainability, there is an existing link north to Salary Brook Trail accessed from Swan Close, a short walk from the application site. Section 6.3 of the Planning and Heritage Statement addresses the Urban Designer comment, stating that a route through the application site 'would only have a modest benefit over the current footway/cycleway', being just 188m shorter in distance that equates to 1.6 minutes walking time when taken at an average walking pace of 4.2mph. Changing levels within the site and between the site and the road, including a ditch and hedge boundary, would also make the provision of a link somewhat difficult and would result in breaking through the hedge when the retention of the hedge boundary is considered to be important in terms of street scene character. Given the lack of policy basis for requiring a link when one is already provided elsewhere, the potential difficulty in delivery, the undesirability of removing sections of the boundary hedge, and the very limited benefit in terms of travel time it is not considered justifiable to refuse the application on the basis of the Urban Designer's objection.

Amenity

- 15.25 Amenity is considered in terms of how the proposed development would impact upon the living standards of neighbouring residential development, as well as whether the proposal provides acceptable living standards for its future residents. The relevant planning policies are DP1 and DP12. Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight. Development Plan Policy DP12 requires high standards for design, construction and layout in new residential development, including the avoidance of adverse overshadowing between buildings or over neighbouring

land uses, acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes, acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas. Other requirements include a management and maintenance plan to be prepared for multi-occupancy buildings and flexibility in the internal layout of dwellings to allow adaptability to different lifestyles, as well as an accessible bin and recycling storage area, and external drying areas.

- 15.26 The proposal is not considered to have an adverse impact on the amenity of neighbouring properties (i.e. those on Swan Close to the east). Given that the western side of the site remains undeveloped in the interests of flood attenuation/mitigation, the development is at least 30 metres from the boundary of Swan Close at its closest point, and at least 35 metres from the rear wall of No. 3 Swan Close which is the closest dwelling to the development. There would be first-floor windows facing Swan Close that would be beneficial in providing some natural surveillance to the western side of the site, but these windows are not considered to give rise to overlooking of the neighbouring properties due to the distance between the properties and intervening features such as boundary fencing and planting. The distances between the proposed development and neighbouring properties, as well as their orientation, also leads to the conclusion that the proposal would not result in overshadowing or loss of light that would be detrimental to amenity.
- 15.27 Issues of noise disturbance have been raised by some local residents. Given the separation between the proposed development and neighbouring properties, noise generation from residential activity/recreation is not considered to be significant.
- 15.28 Living standards of the proposed development is considered to be satisfactory in respect of policy DP12. There is not considered to be any adverse overshadowing between buildings given the distances between them (approximately 12 metres at the closest point) and general arrangement in terms of the buildings being angled away from one another. For this reason, there is also not considered to be any adverse impact in terms of overlooking or privacy. There would be approximately three instances where living areas would be solely north facing, but the north-facing window would be large in order to gain as much light as possible into the room so that it is not considered a justifiable reason for refusal in this case.
- 15.29 In accordance with DP12, the internal layout provides for different lifestyles in so far as accessible rooms are provided. Bin and recycling facilities are also provided on site.
- 15.30 The proposal is therefore considered to be acceptable in terms of its impact on amenity.

Contamination

- 15.31 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land.

15.32 A Land Quality Assessment and Contamination Report (Phase 1 Desk Study and Phase 2 Site Investigation Report), as well as a Ground Investigation Factual Report, have been submitted with the application. The Council's Contaminated Land Officer has concluded that the site could be made suitable for the proposed use based upon the information submitted, although further information is required in order to ensure that any soil brought onto or taken off the site (in connection with the land raise) does not carry a risk of contamination. Subject to a condition to this effect, as well as a condition setting out the procedure should any unexpected contamination be encountered, the proposal is considered to be acceptable in terms of contamination risks.

Ecology

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

15.34 A Preliminary Ecological Appraisal has been submitted as part of the application. The appraisal confirms that the site has little vegetation, other than some scrub and the hedgerow along the southern boundary, due to rabbit activity. There are off-site trees along the northern boundary of the site. The lack of habitat leads to the conclusions that the site does not present the variety of habitat for refuges/foraging and therefore there is limited potential for protected species. There are, however, a number of recommendations in the appraisal regarding best practice for site clearance, as well as the following:

- The appraisal highlights that there are records that indicate the presence of otters and water voles within Salary Brook, but given that the western part of the site alongside Salary Brook would remain undeveloped the proposal would not directly affect the brook. A 5 metre buffer strip is recommended in any case.
- The southern hedgerow could be used by commuting/foraging bats. The retention and enhancement of the hedge, as well as the undeveloped western side of the site would allow this activity (should it occur) to continue as a result of the development. Recommendations are made in respect of minimizing the impacts of new lighting.

- 15.35 The proposal has the potential to include ecological enhancements, especially within the undeveloped western part of the site. The recommendations for enhancement in the appraisal include a requirement for a biodiversity management plan (BMP), the provision of bird and bat boxes on trees, additional planting to the hedge, and the requirement that the site remains relatively open in using permeable boundaries. In securing these elements, the proposal is considered to have some beneficial impacts in accordance with policy DP21.
- 15.36 Subject to conditions that ensure that a satisfactory buffer would be provided alongside the brook, as well as conditions relating to bat sensitive lighting, the proposal is not considered to have an adverse impact on ecology. The ecological enhancements recommended in the appraisal can be secured by condition and advisory notes can be added that set out best practices for site clearance and construction in respect of nesting birds, and reptiles in particular.

Flood Risk and Drainage

- 15.37 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff.
- 15.38 In considering the flood risk aspects of the proposal the submitted Flood Risk Assessment, taking into account a review of the data provided by the Agency, topographical survey and information from the SFRA, concludes and proposes the following:
- The site is located within the NPPF Flood Zone 3a, 2 and 1 from a tidal surge event within the River Colne. The actual risk to the site from overtopping is low during all modelled present day events and future climate change events.
 - When considering a breach of the defences during the climate change 1 in 200 year event and climate change 1 in 1000 year event, the flood level across the site will be 4.25m AOD and 4.50m AOD respectively.
 - After approved ground raising to 3.27m AOD to reduce the risk during fluvial events, the residual tidal flood depths across this area during the climate change 1 in 200 year event and climate change 1 in 1000 year event would be 0.98m and 1.23m respectively. The higher area of the site to the east of the land raising area would remain unaffected by floodwater.
 - A *Water Entry Strategy* should be adopted across the ground floor area of the affected buildings to reduce the differential depth to safe limits during the tidal breach event and to protect property. Safe refuge for people would be available across the upper floors at all times.
 - The site is currently located within the fluvial Flood Zone 3b, 3a, 2 and 1 from Salary Brook. In accordance with a previous planning permission and FRA undertaken by Evans Rivers and Coastal Ltd, the developable part of the site will be raised to 3.27m AOD which is above the fluvial climate

change 1 in 1000 year flood level. This will provide safe refuge across the site at all times.

- A warning and evacuation strategy has been developed within this assessment. It is proposed that the site management register with the Agency's *Flood Warnings Direct* and prepare a *Business Flood Plan*.
- Safe access/egress can be achieved during the peak of all fluvial events and tidal overtopping events. During tidal breach events some parts of the site will be affected by floodwater, however, safe access/egress can be achieved via Elmstead Road at the site entrance.
- It is considered that there will be a low risk of groundwater flooding across raised developable parts of the site and a very low risk of surface water flooding and from artificial sources.

15.39 The Environment Agency were consulted on the proposal and confirm that the site lies within fluvial and tidal flood zone 3a, meaning that there is a high probability of flooding. The proposal for student accommodation is classified as 'more vulnerable' development as defined in National Planning Practice Guidance. The Environment Agency do not object to the proposal, but advise that the Local Planning Authority needs to take into account flood risk considerations. In order to help with this assessment, the Environment Agency advise the following:

Actual Risk

- The site lies within the flood extent for a 1% annual probability event (1 in 100 chance each year), including an allowance for climate change.
- Finished ground floor levels have been proposed at 3.42m AOD. This is above the fluvial 1% annual probability flood level including a 35% allowance for climate change of 2.50m AOD and therefore dry of flooding in this event.
- Finished first floor levels have been proposed at 4.50m AOD and therefore there is refuge above the fluvial 0.1% (1 in 1000) annual probability flood level including a 35% allowance for climate change of 2.75m AOD.
- Therefore this proposal does have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 1% (1 in 100) annual probability including climate change flood event).
- The raising of the land (as agreed under the previous planning application reference: 143740/ Flood Risk assessment ref: 1109/RE/07-12/01 Rev A) ensures the proposed properties will be situated above the 1 in 1000 year fluvial flood level (Fluvial Flood Zone 1). The compensatory storage will ensure flood risk is not increased elsewhere.

Residual Risk

- Remaining risk of flooding is residual (tidal) in the event of a breach of the Colne Barrier. As residual tidal flood depths across this area 1 in 200 cc year event and 1 in 1000 cc year event would be 0.98m and 1.23m respectively.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including climate change.
- Flood resilience/resistance measures have been proposed.
- A Flood Evacuation Plan has been proposed.
- The site is at low risk from Ardleigh Reservoir

- 15.40 The advice from the Environment Agency provides confidence that the raising of the land will mean that the development itself would not be susceptible to flooding and that the compensatory storage will ensure that flood risk is not increased elsewhere. The Council's Flood Resilience Officer has assessed the Flood Risk Assessment as well as the Flood Warning and Evacuation Plan submitted and is satisfied with the flood resilience measures proposed. A further evacuation plan is required by condition so that measures in the event of a mass evacuation can be accommodated if necessary.
- 15.41 Taking into account the above, the proposal is considered to be satisfactory in terms of flood risk.
- 15.42 In terms of drainage, Anglian Water have confirmed that there is capacity for drainage flows from the proposed development. In terms of surface water flooding and drainage, Anglian Water have recommended a condition for a surface water management strategy. Currently, Essex County Council (as Lead Local Flood Authority) have a holding objection to the proposal pending further information; further submissions have been made and Essex County Council have been consulted. A final assessment of the proposal in terms of surface water flood risk and drainage will be informed by the Essex County Council response.

Other Matters

- 15.43 There is a gas pipe running through the site. Both Cadent Gas and the Health Safety Executive have confirmed that they have no objections to the proposal in terms of its proximity to the pipe.
- 15.44 The University have submitted comments that express concern regarding how the proposed development will function in terms of their management of the University site and their future plans for student accommodation on campus. It is not the function of the planning system to protect individual businesses and thus additional student accommodation, whilst not run and managed by the University, must be considered on its own merits. Matters as to whether student accommodation outside the University campus would lead to social activities taking place away from the University manages security and pastoral care, this could be said of any residential accommodation within the vicinity of the University so it is not considered a justifiable reason for refusal of the application.

16.0 Conclusion

16.1 Having had regard to planning policy and material planning considerations, including the specific characteristics of the proposal which have resulted in policy requirements for private amenity and open space to be relaxed, the proposal is considered to be acceptable subject to necessary conditions and S106 agreement.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to:

- Any amendments, further information, and/or conditions required by Essex County Council in respect of Surface Water Drainage;
- Agreement with the Agent/Applicant to the pre-commencement conditions under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and delegated authority to make changes to the wording of these conditions as necessary;
- The signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement; and
- The Permission being subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - Approved Plans/Drawings

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

2751_GAD)_100000_A	Site Location Plan
1470_GA_100 Rev B	General Arrangement Plan
2751_GAD_100010_H	Site Layout as Proposed Level 00
2751_GAD_100011_D	Site Layout as Proposed Level 01
2751_GAD_100012_D	Site Layout as Proposed Level 02
2751_GAD_100013_C	Site Layout as Proposed Roof
2751_GAD_120000_E	7 Bed Town House (Typical)
2751_GAD_120001_E	9 Bed Town House (Typical)
2751_GAD_120002_G	Studio Block
2751_GAD_140000_D	South Elevations as Proposed

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

3. Trees

The development hereby approved shall be carried out in accordance with the TPS Arboricultural Impact Assessment (ref: TPSarb3990513) and no works or development shall take place until a scheme of supervision for the arboricultural protection measures identified in the assessment has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

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

4. Construction Method Statement

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

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- traffic management;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- details of lighting in accordance with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018);
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner to protect residential amenity, ecology, and highway efficiency of movement and safety.

5. Substation Details

No works shall take place above ground floor slab level until details of the substation shown on General Arrangement Plan 1470_GA_100 Rev B have been submitted to and approved in writing by the Local Planning Authority. The details shall include floor plan and elevation drawings, details of any ancillary fencing, and details of the external materials and finishes. The substation shall then be constructed as approved. Should the substation not be required for the development the area marked as 'Sub-station' on the aforementioned General Arrangement Plan shall be landscaped in accordance with a detailed landscape scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: There is insufficient details with which to ensure that the substation would respect the setting of the Grade II listed building (Salarybrook Farm) that sits opposite the site and to ensure that suitable landscaping is introduced should the substation not be required in the interests of visual amenity.

6. Detailed Landscape Works

No works shall take place above ground floor slab level until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall be in accordance with the General Arrangement Plan 1470_GA_100 Rev B and shall include:

- Proposed finished levels or contours.
- Means of enclosure.
- Vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

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

7. Ecological Enhancements

No works shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:

- A Biodiversity Management Plan (BMP) to include details of ecological enhancements and their future management; and
- Details of the provision of bird and bat boxes on site.

The details shall then be implemented as approved and maintained thereafter.

Reason: In the interests of ecological mitigation and enhancement.

8. Land Raise Methodology

No works in connection with the land raise of the site shall take place until details of the Land Raise Methodology for all material being re-used on site or from off site, as part of a Materials Management Plan (MMP) or Environmental Permit, has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed methodology.

Reason: The permitted development includes an element of land raise and Colchester Borough Council wish to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Architectural Detailing

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

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design to safeguard the special architectural or historic interest of the setting of a grade II listed building (Salarybrook Farm).

10. Materials To Be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details, or samples as required, that stipulate the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

11. Flood Risk Mitigation and Evacuation

The flood risk mitigation and evacuation measures set out in Section 7 of the Evans Flood Risk Assessment (ref: 1920/RE/09-17/01 Revision A) and Section 3 of the Evans Flood Warning and Evacuation Plan shall be implemented and/or put in place prior to the occupation of the development hereby approved. No occupation of the development shall take place until a Business Flood Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall then be implemented in addition to the Flood Risk Assessment and Flood Warning and Evacuation Plan.

Reason: In the interests of residents safety in the event of flooding.

12. Highway Requirements

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

- a) A priority junction off Elmstead Road to provide access to the proposal site. Junction shall be at 90 degrees to the highway and have but not be limited to a 43 x 2.4 x 43 metre visibility splay; and
- b) Residential Travel Information Packs in accordance with Essex County Council guidance.

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

13. Landscape Management Plan

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

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

14. Noise

Further to the noise assessment by Sharps Redmore dated 14 May 2018 the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with a sound reduction value R_w of 30dB shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. The windows shall have a sound reduction value $R_w + C_{TR}$ of 30dB.

The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

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.

15. Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018) and should not exceed the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to minimise risk of disturbance of potential features that may provide bat commuting and foraging habitat and to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

16. Bin Stores

Communal bin stores shall be fitted with lockable doors and the floors coated with an impervious layer and thereafter maintained.

Reason: To ensure that adequate cleansing is practicable to prevent odours so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

17. Unexpected Contamination

In the event that contamination that has not previously been identified in the 'Campbell Reith Land Quality Assessment, Elmstead Road, Colchester, Rev F1, Final, Ref 12897, dated 17/8/18' is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and assessment of the nature and extent of the contamination must be carried out in accordance with a scheme which must first be submitted to and approved in writing by the Local Planning Authority. The results of the subsequent site investigation shall then be submitted to and approved by the Local Planning Authority. If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the site shall be remediated in accordance with the approved measures before the development is occupied/brought into use. If, during the course of development, any unacceptable contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures. A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

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

18.0 Informatives

18.1 The following informatives are also recommended:

Advisory Note on Construction & Demolition

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

3. Informative on site clearance

The developer is advised to undertake a precautionary approach during site clearance works in respect of reptiles and nesting birds:

- Any longer grass/scrub areas of the site should be strimmed carefully under ecological supervision, following the erection of reptile fencing around construction zone;
- Site clearance should be undertaken in the season when reptiles are active (Broadly March to early October), with appropriate due diligence given the cross over with the nesting bird season.
- In the unlikely eventuality that reptiles are found during clearance, contractors should halt works, capture the reptile using gloves and stored in a provided container. The appointed ecologist should then be immediately contacted to ensure that any reptiles are relocated to a safe, suitable area outside of the area of clearance/disturbance, such as the grass embankment/tree dominated area to the north of the site alongside the A133.
- The bird breeding season is from March to September. If works to vegetation are proposed during the season, a check should be made for nests prior to works commencing. If nests are present, they should be left intact and undisturbed until the young have fledged.

4. Informative on Conditions Stating Prior to Commencement/Occupation

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

5. Informative on Any Application With a Site Notice

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

6. Anglian Water Informative

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. It is therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. A Pre-planning enquiry with the Anglian Water Pre-Development team can be completed online at: <http://www.anglianwater.co.uk/developers/pre-development.aspx>

7. Landscape Informative

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).'

8. Land Contamination Informative

All imported materials for use in soft landscaping areas must be verified as suitable for use, in accordance with the guidance detailed in the [Essex Contaminated Land Consortium's technical guidance document](#).