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Item No: 7.3

Application: 201882

Applicant: Co Agent

Agent: Miss Serena Harris, Turner Jackson Day Associates

Proposal: Demolition of existing car showroom buildings and construction of a sheltered housing facility, comprising 44no. 1 and 2 bedroom apartments, and the construction of a residential apartment building, comprising 10no. 1 and 2 bedroom dwellings, together with associated access, basement and above ground parking and landscaping

Location: Former Lookers Renault, 72-78, Military Road, Colchester, CO1 2AN

Ward: New Town & Christ Church

Officer: John Miles

Recommendation: Approval Subject to prior execution of a Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 The application has also been called in by Cllr. Nick Hope for the following reason:

“The size and impact of the proposed development necessitates committee involvement. Inadequate parking for 54 units. Lack of facilities for disabled residents.”

In addition to this the application constitutes a major application and is the subject of a S106 legal agreement under the Town and Country Planning Act 1990.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the proposal, the design, scale and form, as well as its impact on neighbouring amenity in terms of outlook, light and privacy. These matters have been considered alongside planning policy requirements and other material matters, leading to the application being subsequently recommended for approval.
- 2.2 The report describes the site and its context, the proposal itself, and the consultation responses received. Material planning considerations are then reviewed 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 consequently a conditional approval is recommended subject to the completion of an agreement under section 106 of the Act.

3.0 Site Description and Context

- 3.1 The site is situated to the south-east of Colchester town centre and contains two buildings and a large area of hard standing. The main building is a disused car sales showroom, with offices above and a 6-bay workshop to the rear. The second building to the south of the site is understood to have been used in connection with vehicle parts sales and distribution. The hard standing across the site is understood to be capable of facilitating the display and storage of circa 170 cars.
- 3.2 The site lies within a predominantly residential area, with buildings typically in the form of two or three-storey, mostly terraced properties, of predominantly traditional architectural styles.
- 3.3 A small section of the southern part of the site is within the designated New Town Conservation Area.

4.0 Description of the Proposal

- 4.1 The proposal is for the redevelopment of the site to include two buildings accommodating 44 No. C2 sheltered housing apartments and 10 No. C3

residential apartments, together with associated access, parking and landscaping.

- 4.2 The Class C2 premises, where all residents will be over 60 years old, will be staffed at all times, with an office provided in the reception area and food and refreshments available within the communal lounge. A treatment room and physiotherapy suit has also been incorporated as well as a large buggy store. The scheme will provide a nurse call / alarm system to each apartment and care will be provided through an off-site CQC registered domiciliary care agency, alongside an on-site care manager. The scheme provides communal day space facilities which would not normally be provided in a C3 development.
- 4.3 The building to the site frontage is 3 storey, matching the adjoining development, with the 10 apartments in a two-storey block located towards the rear (south) of the site.

5.0 Land Use Allocation

- 5.1 Mixed use/ Predominantly Residential

6.0 Relevant Planning History

- 6.1 F/COL/05/0861 - Demolition of existing dealership buildings and construction of new dealership buildings and ancillary works – Withdrawn 20/07/2005

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport

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

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

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP10 Tourism, Leisure and Culture
DP12 Dwelling Standards
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
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 H1 Housing Allocations

- 7.5 The area does not have a neighbourhood plan.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:

Adopted Local Plan and Emerging Local Plan Status – March 2021

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan was Examined in Public in hearing sessions in April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

The Council can demonstrate a five year housing land supply.

Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website.

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes. Page 94 of 156 DC0901MWeV9.3

Emerging Section 2 Local Plan

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 submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 awaiting the Inspectors findings. Section 1 of the plan therefore carries full weight.

Section 2 will be afforded some weight due to its advanced stage. The exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

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

7.8 The National Design Guide - Planning practice guidance for beautiful, enduring and successful places is also a material consideration.

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

No objections – condition covering surface water drainage recommended.

Officer Comment: It is considered the condition recommended by Anglia Water is superfluous as it covers matters which will be addressed through the conditions recommended by the LLFA.

8.3 Archaeological Advisor

This application is located in an area of archaeological interest, defined in the Colchester Historic Environment Record (HER). Important archaeological remains were defined to the west in the area of the Garrison redevelopment (Area 1A, former Meeanee & Hyderabad Barracks) during investigations in 2011. Consequently, there is high potential for encountering buried archaeological remains at this location. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance

with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8.4 Contaminated Land Officer

Based on the information provided to date, it would appear that this site could be made suitable for the proposed use, with the remaining matters dealt with by way of conditions attached to any approval.

8.5 Environmental Protection

No objections – conditions suggested.

8.6 Essex Police

No objections.

8.7 Highway Authority

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

8.8 Historic Buildings and Areas Officer

No objections raised.

8.9 Landscape Advisor

Concerns raised regarding conflict between proposed natural features and built form, and a lack of adequate boundary enclosure to the site's frontage.

Officer comments: A brick boundary wall has been added to the site's frontage and it is considered remaining matters can be dealt with at discharge of condition stage, with the inclusion of a condition covering landscape details.

8.10 Lead Local Flood Authority/SuDS

No objections – conditions requested.

8.11 NHS

A developer contribution will be required to mitigate the impacts of this proposal.

8.12 Urban Design Officer

Concerns raised regarding the quantum of development proposed, preservation of neighbouring amenity, the plan form of the proposed buildings, a lack of articulation and rhythm, lack of detailing and reinforcement of the Military Road

facing building line. The concerns raised were communicated with the applicant and revisions subsequently received. The following comments from the Council's Urban Design Officer were received in relation to the amended proposals (July 2021).

Revisions to the proposal relate to the treatment of the western elevation, fronting Military Road, and the addition of a brick boundary treatment along the road frontage. The latter of which is welcomed.

The western elevation now has a more stripped back aesthetic as a result of the consistent application of materials and openings. The two projecting gables break down the mass of the façade into elements with proportions not dissimilar to the surrounding built environment. This articulation of the elevation also provides a stronger rhythm which is reinforced by the more consistent fenestration. That said, though the form and proportions of this elevation are now more responsive to sites context, the fenestration size and materials (weatherboarding) lack synergy with the site's context. Additionally, the structure continues to lack substantive detailing that responds to the site's context or provides visual interest. As a result, the majority of the previous comments remain relevant.

It is noted that some modelling has been submitted regarding loss of light to adjacent properties. It is evident from this that there will be a loss of light to some properties, though this will vary at different times of the day and year.

The proposed development is not considered to be sympathetic to the character and historic context of the site, including the surrounding built environment. As a result, the proposal fails to enhance the character of the area or to add to the overall quality of the area. The proposed development would therefore be contrary to the above outlined national and local planning policies and guidance.

Some of the issues raised above and within the historic comments may prove redundant when the planning balance of the proposal is weighed up as a whole, however a number of issues raised are fundamental design quality issues and as such the proposal cannot currently be supported in design terms. Revisions should seek to enhance the quality and appearance of the proposed built form, primarily (but not limited to) the western elevation, to ensure it responds appropriately to its context. The case officer will need to be satisfied that there is no unacceptable harm to neighbouring amenity in terms of loss of light.

9.0 Parish Council Response

9.1 The site is non-parished.

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 The consultation exercised resulted in 3 general observations and 1 objection. One objection and one general observation were received in respect of the revised proposal. All representations received are available to be read in full on the Council's website, however a summary of the issues raised is included below.

10.3 The objection received in respect of the revised proposal raised the cited the following reasons for the objection:

- Insufficient parking
- Highway's safety
- No EV charging points
- Lack of jobs and facilities to serve residents

10.4 Other representations raised the following matters:

- Concerns surrounding damage to shared walls and fences, and trees.
- Restoration of the urban street scene is welcomed.
- Concerns greater attention could be paid to the surviving 19th Century buildings in the locality.
- Additional parking desirable.

11.0 Parking Provision

11.1 The proposed apartments are served by a total of 10 spaces, including 1 disabled space. The sheltered housing facility is proposed to be served by 45 car parking spaces, including 4 formal disabled spaces.

12.0 Accessibility and Equality

12.1 The sheltered housing accommodation includes wheelchair accessible units (to meet Part M4(3)) and all floors of the sheltered housing are served by a lift. The proposed apartment building is also served by a lift.

12.2 In considering the application due regard has been given to the Local Planning Authorities duties under the Equality Act 2010. Representations received have not identified any specific equality implications potentially arising from the proposed development and requiring additional consideration.

13.0 Open Space Provisions

13.1 The proposal does not include any on site open space provisions however approval would be subject to a legal agreement, including financial contributions towards recreation facilities across both the ward and borough, to mitigate the impact of the proposed development in this regard.

14.0 Air Quality

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

vehicle charging points to promote low emission vehicles in the interests of sustainability is also recommended.

15.0 Environmental and Carbon Implications

15.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. Consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the Framework. It is considered that, on balance, the application represents sustainable development

16.0 Planning Obligations

16.1 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/contributions that would be agreed as part of any planning permission would be:

NHS: £23,619.20

Community Facilities: £63,347.46

Parks and Recreation: £149,960.80

Affordable Housing: £117,113

Highways: Distribution of Residential Travel Information Packs and display of details of public transport facilities.

Also, to be secured by the LA is RAMS at a tariff of £127.30 per residential unit.

The recommendation of approval is made subject to the above financial contributions being secured through a legal agreement, which is currently in the early stages of production. The requests made by the Highway Authority can be secured by way of condition.

17.0 Report

17.1 The main issues in this case are considered in turn below:

Principle of Development

- 17.2 The application site is within the settlement boundary of Colchester, in a highly sustainable location, close to both public transport links, shops and other facilities.
- 17.3 In terms of the principle of development Core Strategy Policy SD1 (in so far as it remains relevant) seeks to locate growth at the most accessible and sustainable locations, in accordance with the settlement hierarchy. Section 1 Policy SP3 states existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period and development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.
- 17.4 The site is also previously developed land with the remaining buildings on site proposed to be demolished. Paragraph 85 of the National Planning Policy Framework (NPPF) states use of previously developed land, should be encouraged where suitable opportunities exist. The Local Development Plan states that Colchester will seek to provide over 80% of housing on previously development land this is to stimulate regeneration, improve accessibility and protect the countryside. Section 1 Policy SP3 also identified the important role of previously developed land in accommodating new development in sustainable locations.
- 17.5 While the site was previously under an employment generating use, the site does not have a formal employment land designation and the former car dealership has now been vacant for some time, with the site's appearance deteriorating as a result.
- 17.6 Taking into account the above, with the proposed development to provide new open market housing and sheltered accommodation on previously developed land and in a sustainable location, the scheme is considered acceptable in principle.

Design, scale, form and layout

- 17.7 The NPPF places great importance on the achievement of high quality and inclusive design in all developments. In respect of design, the NPPF states that development should: establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to create and sustain an appropriate mix of uses; respond to local character and history, and reflect the identity of local surroundings and materials. Core Strategy Policy UR2 seeks to promote and secure high quality design. Core Strategy Policy ENV1 also requires development to be appropriate in terms of its scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development

must meet. These require new developments to respect the character of the site and its context in terms of detailed design. Core Strategy Policies H2 and H3 require developments to make efficient use of land and relate to their context. Section 1 Policy SP7 requires all new development to meet high standards of urban and architectural design. The Council's Supplementary Planning Document on Backland and Infill Sites also applies to this site and requires development such as that proposed to respond to the surrounding context and that proposals that lead to the over-development of a site or the appearance of cramming will be resisted.

- 17.8 The design of the proposed development has undergone several iterations, informed by both pre-application discussions, and negotiation over the course of the application's formal determination.
- 17.9 The proposed sheltered housing building includes a frontage facing Military Road, infilling the existing building line along the road. The existing building line along Military Road is proposed to be re-enforced with a feature brick boundary wall. It is considered that the height and massing of the proposed sheltered housing relates satisfactory to the surrounding buildings and the proposed development will integrate successfully into the street scene. The form and proportions of the openings to this building have been revised over the course of the application's determination to better relate to surrounding built form, and two projecting gables have been incorporated to the front elevation of the sheltered housing building to break down the mass of the façade.
- 17.10 The proposed apartment building to the south of the site is also considered to achieve an appropriate mass and scale, taking into account its location. While its plan form is not particularly traditional it is not considered this issue will result in harm to the character and appearance of the area, not least given its position within the site, surrounding existing built form, and subsequent limited anticipated visibility from public vantage points.
- 17.11 It is noted that some concerns remain regarding the grouping of the fenestration to the front elevation of the sheltered housing block, the proposed materials and detailing remain at the time of writing. Revised drawings to address these issues are however expected to be received before the application is to be considered by Committee and any amendments made to the proposed scheme will be identified on the amendment sheet, in addition to any supplementary comments from the Council's Urban Design Officer.
- 17.12 Subject to the above identified matters being suitably resolved it is considered that the design, scale, form and layout of the proposal is, on balance, acceptable. The proposed scheme makes use of a currently underutilized and unattractive site and it is considered the infilling/reinstatement of the building line fronting Military Road represents a positive contribution to the area, in the form proposed.

Heritage Considerations

- 17.13 Both Core Strategy Policy ENV1 and Development Policy DP14 reflect the statutory obligations as set out in S66(1) of the Listed Building and Conservation Area Act to have special regard to the desirability of preserving a listed building or its setting and S72 of the same Act that requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 1 Policy SP7 requires development to protect and enhance assets of historical value. In a similar vein, the Framework gives great weight to the conservation of designated heritage assets, noting that the more important the asset, the greater the weight should be. This is irrespective of the level of harm. The Framework also states that any harm should also require clear and convincing justification.
- 17.14 The south of the site is within the Colchester New Town Conservation Area and to the west and the south of the site is the former Cambridge Arms and Garrison Church, which are listed at Grade II and Grade II*, respectively.
- 17.15 The existing building to the south of the site is utilitarian in appearance and not particularly attractive. Having said this, it is largely shielded from view from public vantage points by the existing surrounding form and its impact on the character and appearance of the Conservation Area is limited. The proposed new apartment building is of a comparable footprint and position to the building to be demolished and while its scale and massing is more significant, its detailed design is considered far more sympathetic to the wider context than the existing former garage building. While the apartment building will be taller than the existing garage building it is also still anticipated to be of limited wider visibility from public vantage points, considering existing built form.
- 17.16 Taken as a whole it is considered the proposed development would have a neutral to minor positive impact on the character and appearance of the conservation area and a neutral effect on the special architectural and historic interest of neighbouring listed buildings, including their settings. Consequently, there would not be no harm to, or loss of, the significance of these heritage assets. The scheme is therefore held to meet the statutory test for the preservation or enhancement of the conservation area, listed buildings, and their settings.

Impacts on Neighbouring Properties

- 17.17 Policy UR2 of the Core Strategy and Development Policies DP1 and DP13 state that any development must respect existing and proposed residential amenity with regards to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 17.18 The proposal has been carefully considered with regard to retaining the privacy of neighbouring properties and it is not considered the proposed development includes any windows which will offer unsatisfactory angles of overlooking, when considered in isolation, or in combination.

- 17.19 In terms of proposed openings to the sheltered housing it is considered that all windows are a sufficient distance from, and/or at an angle relative to any neighbouring properties, such that they will not offer any angles of overlooking that is materially harmful in the context, with it noted that mutual overlooking between properties in the area is already experienced, and it is considered is to be reasonably expected, to a degree, given the site is in a dense, urban area.
- 17.20 Specific attention has also been given to avoiding overlooking in the design of a number of windows serving the sheltered housing. A form of oriel windows is adopted to several north and east facing windows to ensure any angles of overlooking are concentrated away from the most sensitive areas, including neighbouring properties' protected sitting out areas. The proposal also includes obscure glazing to several windows in the most sensitive locations.
- 17.21 With regards to the openings to the east elevation of the sheltered housing building and those to the apartment block it is considered that sufficient distance is retained between any proposed openings facing neighbouring dwellings such that any angle of overlooking would not be materially harmful in the context.
- 17.22 Concerns were initially raised by Officers in relation to the potential for a loss of light to neighbouring properties, particularly those to the north as a result of the proposed sheltered housing building. Subsequently shading models were produced to examine existing levels of overshadowing between buildings and anticipated levels of overshadowing from the buildings proposed. Taking into account these models officers are satisfied that the proposed development will not result in a materially harmful impact on neighbouring amenity with regards to loss of light and/or overshadowing, when due regard is given to the existing built form on and adjacent to the site. It is also not considered the proposed development will be materially harmful to the outlook of neighbours, taking into account the position of existing windows to neighbouring dwellings, and the existing built form on site.
- 17.23 The proposed development is also not anticipated to give rise to any adverse impacts on neighbouring amenity by virtue of undue noise and/or disturbance. Neighbouring amenity throughout the construction phase can be protected through the imposition of conditions covering the production of a construction method statement and limits to the hours of work.
- 17.24 Taking into account the above it is considered that the proposed is therefore acceptable with regards to impact on neighbouring amenity.

Private Amenity Space

- 17.25 The proposed sheltered housing is not a C3 residential use and therefore the amenity standard for dwellings is not applicable. The units will however be served by communal garden areas to the north and east of the building, with a further terrace to the south. In this case, although these areas are relatively modest, they do provide a usable, safe and secure environment for residents in conformity with policy DP1 and DP12 (dwellings).

- 17.26 In relation to the C3 apartment block Development Policy DP16 states that for flats a minimum space requirement of 25m² per flat should be provided communally. It is considered that the site provides around 150m² of functional communal outdoor amenity space, serving the proposed apartments.
- 17.27 While this is below the standard set by Policy DP16, in dense urban town locations it is not unusual for residential properties to have smaller areas of private amenity space. Given this, and in view of the types of units proposed (apartments as opposed to family dwellings) the proposed provision of private amenity space is considered, on balance, to be acceptable and mitigated by the contributions requested.

Trees and Landscaping

- 17.28 Development Plan Policy DP1 requires development proposals demonstrate that it will respect and enhance the character of the site, context and surroundings including its landscape setting.
- 17.29 It is considered that through the imposition of appropriate conditions it can be ensured natural features of note, both on and adjacent to the site, are adequately protected during construction works.
- 17.30 A landscape strategy has also been submitted with the application which includes the planting of native hedging within the site and new tree lines, anticipated to be visible from Military Road, with Officers broadly in agreement with the contents of the landscaping proposal, although exact details are proposed to be controlled by way of condition.
- 17.31 It is noted that concerns have been raised about the potential for conflict between the proposed natural form to the site's Military Road boundary and the proposed built form, with this boundary also forming an important element of the proposal. It is however considered such matters can be suitably addressed at discharge of condition stage.

Transport and Accessibility

- 17.32 The NPPF focuses on the importance of providing new development in accessible and sustainable locations so that it minimizes reliance on the private car. The NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impacts of development are severe upon the network or there would be an unacceptable impact on highway safety. Core Strategy Policies TA1, TA2, TA3 and TA4 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth and seek to encourage a change in travel behaviour and where appropriate give priority to walking, cycling and public transport. These policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration). Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment

and the requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists.

- 17.33 A Transport Statement accompanies the application which has been informed by pre-application discussions with Essex County Highways. The scope of TS includes a review of site accessibility, Local Road Network including Personal Injury Accident (PIA) data, car and cycle parking requirements, visibility and access arrangements, servicing arrangements, trip assessments and traffic impact on the local road network. This assessment finds that none of the recorded accidents in the area have occurred in proximity to the site's existing vehicular access and egress points (which are to be retained), and the proposal is expected to result in an overall trip reduction (when compared with the most recent use), presenting a highways betterment in terms of traffic capacity and safety. The development is also considered to make suitable provisions for different means of access to the site, including, but not limited to, by foot, car and bicycle. It also noted that the Highway Authority as statutory consultees have raised no objections to the scheme.
- 17.34 Given the above, it is considered that the proposed development would accord with relevant development plan policies, national planning policy guidance set out in the Framework and there will not be an unacceptable impact on highway safety or the capacity of the surrounding road network.

Parking Provisions

- 17.35 Core Strategy Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Development Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009. Emerging Policy DM22 reflects the adopted local plan requirements.
- 17.36 In terms of parking provisions the Councils' adopted parking standards for a C2 sheltered housing is notably maximum, while the parking standards for C3 dwellings are a minimum. The EPOA Parking Standards Documents set a maximum standard of care homes of 1 space per full time equivalent staff and 1 visitor space per 3 beds, while adopted standards set for a C3 use a minimum of 1 parking space per one bedroom unit, a minimum of 2 spaces per two-bedroom unit and 0.25 visitor parking spaces per dwelling.

- 17.37 Whilst the proposed parking provisions for the sheltered housing exceeds minimum standards and conversely the parking for the C3 is below adopted standards, it is considered the provisions provided are acceptable in the circumstances.
- 17.38 It is accepted by officers that in this instance the proposed sheltered housing falls within a C2 use. Having said this it is considered residents will likely enjoy a greater level of mobility and independence than in a more conventional care home, on which the C2 maximum standard is based. Taking this into account it is considered the level of parking provisions proposed for the sheltered housing are more appropriate than the maximum standards identified. Furthermore, in light of the site's highly sustainable location it is not considered any technical overprovision of parking will hinder wider sustainable objectives, with sustainable transport remaining a very accessible and desirable option in the context of the application site.
- 17.39 With regards to the proposed C3 parking provisions it is important to note that Policy DP19 also states that a lower standard of parking provision may be acceptable where it can be demonstrated that there is a high level of access to services. It is considered that the application site is within a highly sustainable area with a high level of access to services and in these circumstances it is considered the 10 parking spaces proposed to serve the C3 units provide adequate levels of vehicle parking for residents and visitors.
- 17.40 Secure bike storage has been proposed and the provisions of safe and secure cycle parking in accord with Policy DP19 can be ensured by way of an appropriately worded condition requiring exact details to be submitted, and provisions thereafter made in accordance with details agreed.
- 17.41 Taking into account the above, while some conflict with adopted standards has been identified, it is considered the proposal accords with adopted policy in that it provides suitable levels of vehicle parking taking into account the accessibility of the location and the specifics of the application. In addition to this the proposal incorporates appropriate cycle parking provisions to encourage and facilitate modal shifts to more sustainable forms of transport.

Ecology and Biodiversity

- 17.42 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimizing impacts on biodiversity.
- 17.43 The application is supported by a standalone ecological appraisal. It is noted that this survey is now slightly over a year old, although it is not considered there has been a material change in the site's condition or wider circumstances that bring into doubt the conclusions of the appraisal. The appraisal concludes that the site is of relatively limited ecological potential,

there are no Habitats of Principal Importance within the Site, no further ecological survey work is required, and the scheme will not cause material harm to protected species. Precautionary mitigation is however recommended for foraging bats, hedgehogs and nesting birds. It is recommended that a condition is imposed to secure ecological enhancement measures, in line with the recommendations of the ecological appraisal.

Off Site Ecological Impacts

- 17.44 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site. Residential development has an impact and therefore this scheme must be assessed on that basis. Habitat Sites are protected at the highest level and are of international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives are transposed into UK law. In Colchester we have the Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC). The three SPAs are also Ramsar sites, which are wetlands of international importance. The Essex Estuaries SAC includes the Colne and Blackwater estuaries. Due to the close proximity of the River Stour, the southern shore of the Stour and Orwell Estuaries Special Protection Area (SPA) is also likely to be affected by development in Colchester.
- 17.45 Population growth in Essex is likely to significantly affect Habitat Sites through increased recreational disturbance in-combination with other Local Plans. Consequently, in partnership with Natural England, the governments advisor on the natural environment, and other LPAs in Essex, Colchester Borough Council is preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. The RAMS identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance in-combination with other plans and projects. The RAMS sets out a tariff of £127.30, which applies to all residential development within the Zone of Influence (Zol). The whole of Colchester Borough is within the Zol. All residential proposals within the borough should make a contribution towards the measures in the RAMS to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected and the proposal complies with the Habitat Regulations. Proportionate financial contributions in line with the Essex Coast RAMS will be secured in the legal agreement.

Drainage and Flood Risk

- 17.46 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defense measures as well as the use of appropriate sustainable drainage.

- 17.47 The application site is in Flood Zone 1 and therefore has a low probability of flooding and is considered suitable for all types of development from a flood risk perspective. In addition to this the proposed development will not increase the risk of flooding elsewhere and provides opportunities for the incorporation of a sustainable urban drainage scheme, some of which are identified in a submitted drainage strategy, while exact details to be controlled by way of conditions - in the form of those recommended by Essex County Council in their role as Lead Local Flood Authority

Climate Emergency

- 17.48 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.
- 17.49 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF.
- 17.50 It is important to consider how this application will contribute to a low carbon future for the area. The site is in a highly accessible location, in a position ideal for walking and cycling be that to local shops and services. The scheme also provides a good level of cycle parking, and the provision of EV charging points to facilitate the uptake of ultra-low emission vehicles can be controlled by way of condition. Taken as a whole it is considered the scheme contributes towards the Council's low carbon aims and the development comprises sustainable development.

Fire Safety

- 17.51 Essex Country Fire and Rescue have noted the benefit of going beyond the building control requirements in terms of fire safety. Whilst we have no planning policy requirement for the installation of a sprinkler system, it will be suggested as best practice via an informative so the future operators know the Council would strongly support use the of sprinklers.

Contamination

- 17.52 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. The NPPF requires planning decisions to give weight and support to opportunities to remediate contaminated land and it should be ensured that sites are made suitable for their proposed use, taking into account ground conditions and any risks arising from contamination.

17.53 The application is supported by detailed land contamination studies, investigating the condition of the site and the requirement for remediation works. Following a detailed review of this material the Council's Contaminated Land Officer is satisfied that the site can be made suitable for the proposed use, with the remaining contaminated land matters dealt with by way of conditions attached to any approval.

18.0 Conclusion and planning balance

18.1 To summarise, the scheme would bring a currently underutilized brownfield site in a prominent and highly accessible town centre location into an alternative sustainable use, for the betterment of the appearance of the site and the character and appearance of the surrounding area. The proposal would also make a contribution to the Council's Housing Stock, through the delivery of new homes. While it is accepted some areas of concern with the proposed design have been raised by internal consultees, it is considered the issues raised are either satisfactorily addressed through the revisions that have been made to the scheme, are anticipated to be addressed through forthcoming revisions, or otherwise fall away in the overall planning balance, taking into account the overall benefits of the scheme. It is considered the proposal will, on balance, suitably preserve existing neighbouring amenity and the proposal does not give rise to concern with regards to any other material planning considerations. The scheme is also held to meet the statutory test for the preservation or enhancement of the conservation area, listed buildings, and their settings.

18.2 Taking into account the matters raised above and in the main body of the report it is considered the proposal ultimately represents sustainable development and the planning balance tips in favour of approval in this instance.

19.0 Recommendation to the Committee

19.1 The Officer recommendation to the Committee is for:

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

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

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

(final drawing numbers to be added when known)

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

3. ZBC – Materials TBA

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

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

4. ZMM – Additional Details

Prior to the commencement of any works above slab level, 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: Inadequate details have been submitted as part of the application having regard to the prominence of the site and scale of the proposed built form, in close proximity to the New Town Conservation Area.

5. Non-Standard Condition - Rainwater Goods

All new rainwater goods shall be coloured black, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is visually satisfactory and enhances the appearance of the locality.

6. Non-Standard Condition – Restriction on Occupation

The Sheltered Housing (Use Class C2) accommodation shall not be used otherwise than as a private place of residence for a person or persons of whom at least one must be a “qualified person” (defined below) at the date of his or her first occupation of the unit in question’. For the purposes of this schedule “a qualified person” means a person who is or has attained the age of 60 years and thereby in need of personal care by reason of old age or by reason of disablement. (whether or not such person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970). An occupier of one of the individual units of residential accommodation who is not a “qualified person” but who shares or previously shared the accommodation with a “qualified person” (e.g. a spouse or surviving spouse) must also have attained the age of at least 60 years.’

Reason: The proposed development is unsuited to use as unrestricted residential dwellings (Use Class C3) as the amenity space and parking provision would likely be inadequate for such a use in accordance with adopted Colchester local plan (2008,2010, 2014) policies PR1, TA5, DP12, DP16.

7. Non-Standard Condition – Use

The proposed Sheltered Housing (Use Class C2) accommodation shall be restricted to a Sheltered Housing use within Class C2 only, as defined in the Use Class Order, and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

8. Non-Standard Condition – Archaeology

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

9. ZDF – Obscure Glazing

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows in the north elevation of the sheltered housing accommodation labelled on the approved plans as 'OBS' shall be non-opening below 1.7 metres from internal finished floor level and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

10. Non-Standard Condition – CMP

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

- i. the parking of vehicles of site operatives and visitors
- ii. hours of deliveries and hours of work;
- iii. loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi. wheel and under body washing facilities;
- vii. measures to control the emission of dust and dirt during construction; and
- viii. 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 ensure that amenities of existing residents are protected as far as reasonable and to ensure that on-street parking of vehicles in the adjoining street does not occur, in the interests of highway safety.

11. ZPE – Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No deliveries

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

12.ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

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

13.ZGR – Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ3 SMALL TOWN CENTRES OR URBAN LOCATIONS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

14.ZCG – Communal Storage Areas

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

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

15.Non-Standard Condition – EV Charging

Prior to the first occupation of the proposed development EV charging point infrastructure shall be provided to serve the proposed development, in accordance with a scheme which shall have previously been submitted to, and approved in writing by, the Local Planning Authority. Charging point infrastructure shall be provided at a rate of 1 charging point per unit (for a dwelling/unit with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated).

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

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

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

- (i) a survey of the extent, scale and nature of contamination,

including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with all relevant, current, best practice guidance, including 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.

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

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

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

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

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

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

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

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, 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 18.

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

20.ZG3 - *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 19.

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.Non-Standard Condition – SuDS 1/3

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. If infiltration is found to be viable then water treatment will need to be proposed.
- Limiting discharge rates to 5l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- If the final discharge point is to a combined sewer then silt traps and catchpits will be required to reduce the risk of blockages.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

22. Non-Standard Condition – SuDS 2/3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

23. Non-Standard Condition – SuDS 3/3

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

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

24 .Non-Standard Condition – Ecology

No works above slab level shall commence until a scheme of habitat enhancement within the application site, including but not limited to provision for nesting and roosting opportunities for birds, has been submitted to and agreed in writing by local planning authority. The scheme shall include details of the proposed measures together with a programme for implementation and shall incorporate the recommendations outlined in the submitted ecological appraisal (Produced by Native Ecology and dated 28th August 2020). Prior to the beneficial occupancy of any of the development the agreed scheme shall be implemented and thereafter so maintained.

Reason: To ensure that the biodiversity of the site is maintained and enhanced in accordance with the NERC Act 2006 and policy ENV1 of the Adopted Colchester Local Plan.

25.Non-Standard Condition – Adverts not consented

Notwithstanding the details shown on the approved drawings, no consent is granted nor implied for any signage and a subsequent application for advertisement consent to display any advertisements on the buildings or within the application site area.

Reason: For the avoidance of doubt as to the scope of this planning permission in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

26.ZFQ – Tree Protection

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.

27.ZFS – Tree Protection

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.

28. Non-Standard Condition – Landscaping

No part of the development shall be occupied until a scheme of hard and soft landscape works for the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also accurately identify positions and spread of all existing trees, shrubs and hedgerows on the site, proposed planting, details of any hard surface finishes and external works, implementation of which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme 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 hard or soft landscape works which, within a period of 5 years of being implemented

fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/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 relatively small scale of this development where there are publicly visible areas to be laid out but there is insufficient detail within the submitted application.

29. Non-Standard Condition – Implementation and Monitoring Programme required for Landscape

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded 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 the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

30. Non-Standard Condition – Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

31. ZLZ – Boundary Wall Details

Prior to the commencement of any works above slab level, full details of the new boundary wall fronting Military Road including the bond, mortar mix and joint profile shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with agreed details.

Reason: There is insufficient detail with regard to this important feature.

32. Non-Standard Condition – Highways 1/6

Prior to the first occupation of the proposed dwellings, the proposed vehicular access, all footways, internal carriageways and visibility splays shall be provided in complete accord with the details shown in T J + D Drawing Numbered 1654-002.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

33. Non-Standard Condition – Highways 2/6

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

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety

34. Non-Standard Condition – Highways 3/6

The development shall not be occupied until such time as the service, delivery and car parking and turning areas, has been provided in accord with the details shown in the approved drawings. These areas shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

35. Non-Standard Condition – Highways 4/6

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

Reason: To promote the use of sustainable means of transport.

36. Non-Standard Condition – Highways 5/6

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

37. Non-Standard Condition – Highways 6/6

The development shall not be occupied until such time as details of public transport facilities (timetables and locations of bus stops etc), walking and cycling opportunities being prominently displayed, regularly updated and maintained in perpetuity within the site, which shall be approved by Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

19.0 Informatives

19.1 The following informatives are also recommended:

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

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

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

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

3. Non Standard Informative – Fire Safety

Water Supplies

The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

5. Non Standard Informative – Environmental Protection

Advisory Notes for the Control of Pollution during Construction & Demolition Works:

The following information is intended as guidance for applicants/developers and construction firms. In order to minimize potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection 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 Protection.

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:

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 Holidays.

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.

Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

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 Protection). 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:

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.

No fires to be lit on site at any time.

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.

All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

All necessary measures shall be taken to minimise dust, including damping down and the use of barriers.

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.

6. Non Standard Informative INS – Archaeology

Informative on Archaeology:

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

<http://www.colchester.gov.uk>

7. Non Standard Informative – Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

or by post to:

SMO1 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT