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Item No: 7.2

Application: 180694

Applicant: Mr Sukhdev Ghotra, Rootstar Constructions Ltd

Agent: Mrs Patricia Bessey, EngineRoom

Proposal: Application for approval of reserved matters following outline approval 152493 (Erection of 37 apartments, 2 office units and associated layout, access and parking).

Location: Unit 6-7, Unit 6-7, Hawkins Road, Colchester, CO2 8JX

Ward: Greenstead

Officer: Bradly Heffer

Recommendation: **Approved with conditions**

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it constitutes a major reserved matters development proposal, an objection has been received from a Ward Member on parking/highway impact grounds, and a recommendation of approval is made to Members.

2.0 Synopsis

- 2.1 The key issues for consideration are the terms of the outline planning permission granted on the application site, the elements of the detailed development proposal and the terms of the objection that has been received from the Ward Councillor. It is considered that this proposal constitutes an appropriate reserved matters proposal on this site, and would not result in adverse impacts being created.
- 2.2 The application is subsequently recommended for approval, subject to the imposition of conditions as listed at the end of this report.

3.0 Site Description and Context

- 3.1 The site for this proposal is currently vacant; having been last used for the storage and distribution of aggregates as well as the sale of building supplies. It is a rectangular-shaped site which, topographically, rises from east to west (from Hawkins Road to its boundary with the river Colne). It currently contains a single storey former sales/storage building on its northern boundary, as well as an ancillary storage building (partly dismantled) in the south eastern corner. The remainder of the site was utilised for open storage of aggregate, parking and servicing areas.

4.0 Description of the Proposal

- 4.1 This planning application seeks permission for approval of reserved matters following the grant of outline planning permission for development on the identified site. The Relevant Planning History section of this report gives further details of the terms of the outline planning permission granted by the Council. In summary, the approval of planning application 152493 established the acceptability, in planning terms, of a mixed residential and commercial development taking place on the site consisting of 37 no. apartments and 2 no. office units.
- 4.2 The current reserved matters proposal put forward for consideration by Members comprises three buildings on the site – a main residential building ranging between four and six storeys in height that faces towards the river, and two four storey units facing Hawkins Road (the northernmost of which would contain the 2 office units). The buildings facing Hawkins Road would be located to either side of the vehicular access to the site. The position of this access is fixed as it was an element of the development (along with the layout) for which full planning permission was granted under application ref. 152493.

- 4.3 The ground floor of the development would be occupied by parking spaces, circulation space, bin stores and cycle parking, with both residential and commercial floorspace located on the upper floors. The design of the proposal follows a contemporary architectural approach, with the use of brick as the predominant material together with glazing and metal. A key element of the proposal is the provision of a footway/cycleway across the site frontage to the river.
- 4.4 The Design and Access Statement submitted with the application includes the following information:

‘...Block A, the largest block facing west onto the River Colne, is proposed to comprise 24 two bedroom apartments over 4 storeys (above the ground floor parking level) with a further 2 three bedroom penthouse apartments on the sixth floor. Each of the apartments will be accessed via two integral staircases/lifts located on the building’s eastern and rear elevation. This block will step up from four floors at the south of the site to six at its centre. To the north the building will step down again to five floors. The building has been designed in this way to accord with the neighbouring development (on the former Jewson’s site) which steps down to three floors on its northern boundary (with the application site). However, this development also reaches six floors towards its centre. The proposed development therefore intends to echo this rise and fall in height and scale already demonstrated by similar development fronting the Colne

...Block B, located to the north of the access and fronting Hawkins Road is proposed to comprise two office units arranged over two floors...Finally Block C located to the south of the access and fronting Hawkins Road is proposed to comprise 6 two bedroom apartments arranged over 3 floors...Both Block B and Block C have been deliberately designed to be lower in height and scale compared to Block A, fronting the Colne. This reflects the different character of Hawkins Road, compared to the river side frontage, which is more low-key and predominantly comprises smaller buildings, including the 3 ½ storey town houses of the neighbouring development...the proposed layout incorporates various areas of open amenity space for private or communal use by residents. Policy DP16 requires the provision of 25 sq.m of amenity space per proposed flat, which can include space provided on balconies. The proposed development, with its 37 apartments, is therefore required to provide 925 sq.m of amenity space. Each apartment has been designed with its own balcony; which in total provide 495 sq.m of private amenity space. A further 178 sq.m of communal amenity space is provided at ground floor level: these areas also serve as areas of landscaping integral to the scheme. However, in addition, it is proposed to provide communal roof gardens for each of the three blocks, providing an additional 490 sq.m of outside amenity space. In total, the proposed development therefore incorporates 1 163 sq.m of both private and communal amenity space, well in excess of the space required by policy DP16...’

5.0 Land Use Allocation

- 5.1 The site for this proposal is located in a predominantly residential area, within the East Colchester Special Policy area, as allocated in the adopted Local Development Framework.

6.0 Relevant Planning History

- 6.1 Key to the consideration of this reserved matters proposal is the outline planning permission that was granted for residential development on this site, under planning application ref. 152493. Under this application permission was granted for the following development:

‘Outline planning application for 37 apartments, 2 office units and associated layout, access and parking with all other matters reserved.’

- 6.2 The planning permission was granted via notice dated 30th May 2017 and was subject to a number of conditions. The outline application submission did request full planning permission for the means of vehicular access to the site, and also the layout of development – and therefore permission is already established for these elements (including parking provision).
- 6.3 In addition, *inter alia*, further conditions required that balconies serving individual units should have a minimum area of 13 square metres. Furthermore, the proposed residential development should be designed (as far as is practicable) so that only non-habitable rooms are located on the facades of buildings facing Hawkins Road.

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
CE1 - Centres and Employment Classification and Hierarchy
CE2a - Town Centre
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR1 - Regeneration Areas

UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA4 - Roads and Traffic
TA5 – Parking

- 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
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy

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

SA CE1 Mixed Use Sites
SA H1 Housing Allocations
SA EC1 Residential development in East Colchester
SA EC2 Development in East Colchester
SA EC6 Area 4: Hawkins Road
SA EC8 Transportation in East Colchester

- 7.5 The Neighbourhood Plan for Boxted / Myland & Braiswick is not relevant. As it does not form part of the Development Plan in this area of the Borough.

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

The Essex Design Guide (1997)
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy

Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
ECC's Development & Public Rights of Way
Planning Out Crime
Colne Harbour Masterplan
Air Quality Management Guidance Note, Areas & Order

8.0 Consultations

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

8.2 The Highway Authority has commented as follows:

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

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

Officer comment: the conditions recommended by the Highway Authority are included at the end of the report.

8.3 The Environmental Control Officer has requested that comments and conditions from the previous application should be included as part of the consideration of this current proposal.

8.4 The Contaminated Land Officer has made the following comment:

‘This application does not include consideration of any of the relevant land contamination conditions. I therefore have no comments to make but I would be grateful if you could re-consult me when information has been submitted with respect to conditions 7, 8, 9, 10 and 11 of outline approval 152493.’

8.5 The Landscape Planning Officer has confirmed he has no objections to the application on landscape grounds. It is also requested that a landscape management plan condition is imposed on a grant of planning permission.

8.6 The Archaeological Adviser has provided the following comment:

‘This proposal is located in an area of archaeological interest, defined in the Colchester Historic Environment Record, within the area of Hythe quayside. There is high potential for encountering the archaeological remains of the historic wharf at this location. There is also potential for encountering palaeo-environmental remains (waterlogged archaeological deposits). 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.’

8.7 It is also identified that a condition was imposed as part of the outline planning permission that requires the submission of a Written Scheme of Investigation.

8.8 The following comments have been received from the Urban Design Officer:

‘I would support the application subject to clarification and conditions with regard to detailed matters. Proposals have been informed by pre-application dialogue and the applicant has worked hard and creatively to ensure the scheme contributes to the wider vision for the area, responds to the varied setting including riverside and nearby historic assets, and justifies densities approved at outline planning stage. The resulting design is refreshingly bold and distinctive, yet well-related to the locality. It might be described as industrial chic. The scheme provides good active riverside frontage, with an interested sense of interplay between vertical and horizontal lines, projections and recesses, which will change the building’s appearance from different view-points and at different times of the day. Extensive balconies will also provide changing interest, a sense of animation and no doubt some planting. Buildings fronting Hawkins Road, are particularly well-related to nearby historic industrial development, though with a contemporary twist which avoids appearing pastiche.

The rear of the riverside building will also be visible from Hawkins Road. This elevation is unapologetically boldly expressed through striking outline forms and selective detailing, reminding of Giles Gilbert Scott’s industrial architecture such as on Bankside Power Station.

Private amenity space is generously provided considering site constraints in accordance with the outline planning approval, including roof gardens and large balconies. The scheme’s impact on neighbour amenity is reasonably mitigated for the urban context, by avoiding overlooking windows and stepping the building down in height.

It is disappointing that due to land ownership issues, the relationship with the river walk now appears a bit squeezed, devoid of soft landscaping and with no direct access provided for ground floor units. Nevertheless, I am happy that a suitable relationship can still be achieved through condition, subject to Highways Authority agreement that planting can be provided within the 4m minimum river path, i.e. without having to set the building back which might raise other concerns (outlook and shadowing). I would suggest this might translate to a 0.5m (ideally 1m) minimum wide soft landscape strip to help soften and buffer the appearance of the retaining wall and balustrade.

The proposal for river path benches is welcomed, though such a hard obstacle shouldn't generally protrude into the 4m minimum wide path. It is instead suggested seating is focussed to the south where there is a natural recess for seating as well as increased landscaping (away from passing foot and cycle traffic) due to land ownership issues and the resulting path pinch point.

Good quality materials and details are essential to the design style. These are appropriately proposed in the submission, including design and access statement, though lacking in detailed clarity and LPA understanding. I would therefore suggest the following conditions:

- Key materials to be conditioned for the purposes of greater clarity and ensuring a suitable level of quality, with samples provided where appropriate. This should cover, possibly amongst others: the "soft" orange/red stock brick and grey contrasting brickwork, the grey metallic tile cladding to the penthouse enclosure, and copings.
- Key details to be conditioned for the purposes of greater clarity and ensuring a suitable level of quality. This should cover, possibly amongst others: reveals, windows, doors and curtain walling, balconies, feature brickwork, and roof edging.
- Hard and soft landscape design.
- Boundary treatments, including gated entrance and retaining wall to river path.'

8.9 The comments of Essex County Council as Lead Local Flood Authority had not been received at the time this report was prepared. That said, a number of conditions requested by that authority were imposed as part of the outline planning permission, and these remain extant.

8.10 The following comment has been made by Essex Police:

'Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. From experience pre-planning consultation is always preferable in order that security and lighting considerations for the benefit of the intended residents and those neighbouring the development are met prior to a planning application. For example, in this site it would be preferable to compartmentalise each residential floor to prevent total building access by unauthorised persons.

Essex Police, in supporting the ethos of Sections 58 & 69 of the NPPF, provide a free, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain Secured by Design accreditation and would invite them to contact Essex Police via designingoutcrime@essex.pnn.police.uk.'

Officer comment: it is considered that the issue can be dealt with by way of an Informative added to the decision notice in the event that planning permission is granted for the development.

8.11 Natural England has advised that it has no comments to make on the application, and draws the Council's attention to its standing advice in relation to protected species.

9.0 Parish Council Response

9.1 Not applicable as the site is located within a Town Ward – Greenstead.

10.0 Representations from Notified Parties

10.1 Following notification of interested third parties including neighbouring properties, a comment has been received from Ward Councillor Julie Young as follows:

‘I think careful consideration must be given to the following:

Parking is already at a premium, this is a very mixed street encompassing businesses and high density housing. Please consider amending the parking provision in Hawkins Road before additional burden is out on this street.

There has been an upturn in crime in this road and street lights are only provided on one side of the street.

Hawkins Road is also located by Hythe station and it is a busy road for residents, employees and commuters. We must find ways of improving safety here and therefore additional street lights should be installed in association with this development.’

10.2 The Ramblers has advised that it is ‘...Pleased to see yet another section of Public Footpath 234 Colchester (the riverside walkway) is to become available.’

Members are advised that at the time this report was prepared no representations have been received from neighbouring residents or other land users. If late representations are received these will be summarised on the amendment sheet in the normal way.

11.0 Parking Provision

11.1 The development as proposed would include the provision of 52 no. car parking spaces on the site. The layout as approved under the outline planning application included 50 no. spaces.

11.2 It is noted that the amount of accommodation proposed under the current reserved matters proposal is the same as the outline approval i.e. 37 no. 2-bed units and 2 no. 3-bed units.

12.0 Open Space Provisions

12.1 Members are advised that the outline application approval included a condition that required each residential unit in the development to be served by a balcony having a minimum area of 13 square metres, as well as the provision of communally-accessible roof gardens to serve the occupiers of the development.

12.2 The development proposed includes balconies serving apartments that, generally have an area of 14.9 square metres – with some being larger. In addition private amenity spaces would be provided at roof level in each block.

The application submission advises that the overall communal areas provided at roof level would amount to 490 sq. m.

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. Members are advised that a s106 agreement was completed at the outline application approval stage, and therefore the Development Team did not require any further mitigation. For information the agreement covered the following elements:

- £73 032 to provide primary school places to serve the development
- 20% affordable housing provision
- Provision of a ‘River Wall agreement’ whereby the section of the river wall that runs contiguous with the western boundary of the site would be surveyed, repaired if necessary and maintained.

15.0 Report

15.1 The main issues in this case are:

- The Principle of Development
- Design and Layout
- Scale, Height and Massing
- Impact on the Surrounding Area
- Impacts on Neighbouring Properties
- Landscape and Trees
- Highway Safety and Parking Provisions (including Cycling)
- Private Amenity Space Provision
- Other Matters

The Principle of Development

15.2 It is considered that the outline application (ref. 152493) that was subsequently approved by the Council establishes the acceptability of the proposed development taking place on the identified site. The outline application proposed the provision of 37 no. apartments on the site, together with 2 no. office units and this reserved matters submission is in accordance with this approved amount of development. The site is located within a predominantly residential area as allocated in the adopted Local Plan. Furthermore, specific site allocation policies of the East Colchester regeneration area identify the acceptability of residential development taking place. Also it is considered that the provision of office space as part of the development would not be harmful to amenity – particularly bearing in mind that the overall area retains a significant amount of commercial development; some of which established prior to the demise of the port.

Design and Layout

- 15.3 The layout of the development was established at the outline application stage, as full planning permission was granted for this element of the development. In terms of principle, built form should address both frontages of the site (on to Hawkins Road and on to the river). It is noted that similar approaches to layout have been adopted elsewhere in the area; for example on the site immediately adjacent to the south.
- 15.4 As regards the design of the development this does not repeat the architecture and detailing found elsewhere in the vicinity on other infill residential schemes. The current scheme reflects the industrial heritage of the Hythe with robust forms, materials and detailing. Nevertheless, the general form of development is similar, incorporating elements that emphasise verticality, the provision of balcony features facing across the river etc. Additionally, it is fair to say that the established development in the vicinity is of its time – having been built in excess of 10 years previously and that the design approach to high density volume schemes has changed in the interim to reflect styling popular in that era.
- 15.5 The applicant's agent has liaised extensively with officers, particularly the Urban Design Officer regarding the design approach taken. It is felt that the scheme proposed for approval would be a visually appropriate addition within the overall East Colchester Regeneration Area. Members will note the Urban Design Officer's comments in this regard.

Scale Height and Massing

- 15.6 The Colne Harbour Masterplan (adopted by the Council as SPD) identifies that the highest elements of new development should be those closest to the river: development that has taken place thus far in the vicinity of the site has followed this approach. In addition, it is the case that the heights of buildings generally range from three to six storeys. In fact, penthouse elements of some buildings further to the south of the application site are set at seventh storey height.
- 15.7 In this context it is considered that the height/massing of the development proposed under this scheme is appropriate and would not appear incongruous or out of keeping.

Impact on Surrounding Area

- 15.8 It is considered that the general form and layout of the development would accord with other redevelopment that has taken place in the area – particularly adjacent to the river. The variety in built form heights is repeated and lower elements of the development would be located next to the established residential development to the south. It is also considered that the introduction of further residential and some office use into this location would not create an adverse impact on the amenity of the area – which consists of a mix of residential and commercial uses.

Impacts on Neighbouring Properties

15.9 The application site is bounded to the south by residential development and therefore the impacts of the proposal on the amenity of the occupiers of these dwellings is a key consideration in planning terms. The fact that the application site sits north of this existing development means that it would not create an unacceptable overshadowing impact. In terms of overlooking the design of the proposed buildings omits openings in flank elevations which would otherwise create potential overlooking issues. In addition, the balconies serving the apartments in the southernmost block fronting Hawkins Road incorporate high level brick screens that would ensure that the possibility of overlooking rear gardens and windows in the adjacent development was avoided. In the case of the large residential block facing the river, the rear elevation incorporates canted projections at either end that aim windows away from the residential development to the south. On the basis of the above it is considered that the amenity of the occupiers of existing residential development adjoining the site would not be adversely impacted by this proposal.

15.10 The northern boundary of the site abuts commercial development and further business uses are located to the east of the site on the opposite side of Hawkins Road. In this regard the outline planning permission identified that commercial uses in the vicinity could give rise to complaints from the future occupiers of the proposed development. Consequently, the following condition (15) was imposed via the outline permission:

'The residential units shall be designed so that, as far as is practicable, only non-habitable rooms are located on the facades of buildings facing Hawkins Road. Reason: To ensure the development hereby permitted is not affected by the noise arising from the commercial units on Hawkins Road.'

15.11 Members are advised that the accommodation in the southernmost building facing Hawkins Road is arranged so that bathrooms, a stairwell and storerooms face the road. Kitchen areas would also face the road, but bedrooms and lounge areas would face on to the internal courtyard area. In this regard it is considered that the development accords with the requirements of the identified condition attached to the outline planning permission intended to mitigate any adverse impacts from the adjacent commercial use.

Landscape and Trees

15.12 Given the site characteristics and the previous use, there is no soft landscaping as such on the site, save for some scrub planting on the western boundary, adjacent to the river. The proposal would introduce some landscaped amenity areas within the site – particularly within the rear courtyard area. In addition the treatment of the areas to the frontages of the site would provide an opportunity for the introduction of appropriate landscaping and tree planting. It is noted that the Landscape Planning Officer has recommended the inclusion of a condition that would secure a landscape management plan.

Highway Safety and Parking Provision (including cycling)

- 15.13 The Highway Authority does not object to the proposed development. As mentioned elsewhere in this report the access point, from/to Hawkins Road, was fixed at the outline stage. In relation to car parking, the provision shown on the submitted plans exceeds (by two spaces) the amount that was approved by the Council at the outline application stage. Members are advised that the issue of parking to serve the development was considered at length at the outline application stage (the item being deferred in order that further information with regard to parking provision could be provided to Committee). Members subsequently resolved to grant permission and this reserved matters submission reflects that approval.
- 15.14 In this regard the comments received from the Ward Councillor in relation to parking provision and highway issues generally are fully acknowledged and appreciated. However, this reserved matters submission follows the parameters that were established at the outline permission stage. It is also pertinent to note that parking restrictions are in place in the road along the Hawkins Road frontage. In relation to additional street lighting, again this issue was not identified as a requirement by the Highway Authority when the outline planning permission was granted and has not been raised in its consultation response to this reserved matters proposal. Nevertheless it is noted that the current street lighting provision along the road is on the side where residential development has taken place. In addition, there are lighting columns located near to the proposed site entrance off Hawkins Road.
- 15.15 In relation to cycle parking the submitted scheme proposes the provision of 60 no. spaces in secure stores at ground floor level. This would exceed the Council's adopted residential cycle standard of 1 secure covered space per dwelling which in this case creates a requirement for 37 no. spaces, together with the standard for B1 business which would generate a requirement for 6 no. spaces for staff and visitors.

Private Amenity Space Provision

- 15.16 Within the adopted Essex Design Guide (1997), in relation to flatted development, it advises that '...balconies may provide outdoor amenity space in closer proximity to an upper storey dwelling. A balcony or terrace over 5 sq. m in extent will count towards the total garden provision for the flats. In an urban situation such a balcony or terrace would be acceptable as the only outdoor amenity space for a flat...' As noted elsewhere in this report, the private amenity space that would serve the apartments would comfortably exceed the stated amount (the smallest balcony areas having a minimum size of approximately 14.9 metres. In addition further private amenity space is proposed at roof level. This has a combined area of 490 sq. m. in overall terms therefore it is considered that there is sufficient private amenity space to serve the development proposal.

- 15.17 It is noted that further landscaped areas are proposed at ground floor level which are clearly an amenity benefit for future residents. However, this space would not be *useable* in terms of a private amenity function.

Other Matters

- 15.18 Members will note that the scheme submitted for consideration includes provision of a footway and cycleway across the site frontage with the river. This feature would match that found on previously redeveloped sites to the south and would add another section to the overall length which, eventually, is intended to extend from Colne Causeway to Hythe Station Road. The provision of this facility, as sites come forward for redevelopment over time, would meet the aspirations of relevant local plan policies and SPD requirements pertinent to the regeneration of East Colchester.
- 15.19 Members are advised that, in the case of this application site, the line of the river wall is set back from the line of the wall to the south. Therefore, the footway/cycleway at the point where the two sites meet would incorporate a small 'dog-leg' feature. However, from this point northwards it is apparent that the river wall runs in the same alignment to Hythe Station Road. The Highway Authority (which may eventually adopt the route) has accepted the re-positioning of the footway/cycleway as it would reflect the position of the adjacent river wall.
- 15.20 A further minor revision that has taken place since the submission of the application is the relocation of two of the residential bin stores that would serve the development, in order that they are located within 15 metres of an adopted road, in order to accord with the requirements of the Council's adopted SPD titled 'Street Services Delivery Strategy'. In any event, information submitted with the application demonstrates that a refuse freighter is able to enter the site and turn in order that the vehicle could exit in forward gear.

16.0 Conclusion

- 16.1 The principle of the proposed development taking place on this site was established via the outline planning permission referred to in this report. The outline permission did not reserve all matters for future consideration – vehicular access to and the layout of the site were approved in full at the outline stage.
- 16.2 In terms of the detailed design of the proposed development it is considered that this achieves an appropriate standard, commensurate with this prominent location in the Hythe, which forms part of the overall East Colchester regeneration area.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAF - *Reserved Matters Applications*

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference 152493 relating to this site and the conditions attached thereto remain in force.

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

2. ZAM - *Development to Accord With Approved Plans*

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

- ER 001 Rev B
- ER 002 Rev C
- ER 003 Rev D
- ER 004 Rev B
- ER 005 Rev B
- ER 006
- ER 007
- ER 008
- ER 009 Rev B
- ER 010 Rev D
- ER 011 Rev D
- ER 012 Rev C
- ER 013 Rev C
- ER 014 Rev D
- ER 015

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

3. ZBC - Materials To Be Agreed

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. Non-standard Condition – Additional drawings

Prior to the commencement of any works, additional drawings that show details of windows, reveals, external doors, curtain walling, balconies, roof edging and feature brickwork to be used, by section and elevation, at scales between 1:20 and 1:1 as appropriate, shall be submitted to an approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient information with regard to these detailed features of the proposed development and further consideration is required in order that a satisfactory appearance is achieved in the interests of visual amenity.

5. Non-standard condition – Landscape works

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

- Proposed finished levels or contours;
- Means of enclosure and boundary treatments;
- Car parking layouts;
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.);
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- Implementation timetables and monitoring programs.

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

6. ZFE - Landscape Management Plan

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

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

7 Non standard condition – Vehicular access construction in accordance with details

Prior to the first occupation of the development hereby approved, the proposed vehicular access shall be constructed in accordance with the details shown on drawing no. 1801001-002 Rev C and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

8 Non-standard condition - Access

The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

9 Non-standard condition – Unbound materials

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 10m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

10 Non-standard condition – Visibility splays

Prior to the proposed access being brought into use, vehicular visibility splays of 70m by 2.4m by 70m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

11 Non-standard condition – Vehicular turning facility

Prior to occupation of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions as shown in Drawing Numbered 181760-001-REV A shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

12 Non-standard condition – Communal recycling/bin/refuse collection points

Prior to first occupation of the proposed development, communal recycling/bin/refuse collection points shall be provided within 25m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

13 Non-standard condition – Car parking area

The development shall not be occupied until such time as the car parking area, indicated on the approved plans has been hard surfaced, sealed and marked out in allocated parking bays and made available for use. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

14 ZJB - Cycle Parking (as approved plan)

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

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

15 Non-standard condition – Extension of riverside walk/cycleway

Prior to the occupation of the proposed development the applicant shall provide an extension of the riverside walk/cycleway of at least 4.0m in width across the sites frontage to the River Colne as shown in the submitted plans including a properly constructed connection to the existing pedestrian facility and without any obstruction to the free and unhindered passage of pedestrians and cyclists thereafter.

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

16 Non-standard condition – Doors or windows

No doors or windows shall open over the highway or proposed highway, maintainable at public expense.

Reason: To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

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

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

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

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

4. Non Standard 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 @ <http://www.colchester.gov.uk/article/13592/Landscape-Guidance-for-Developers>.

5. Non Standard Informative

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

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

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.