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**Item No:** 7.1

**Application:** 151004

**Applicant:** Blumarble Property Ltd

**Agent:** Pomery Planning Consultants Limited

**Proposal:** Conversion and new roof to front range of former Cinema to create 11no. Apartments and Demolition of Auditorium and Erection of New Building to provide 46no. One & Two Bed Apartments, refurbishment of 2no. existing Retail Units and creation of 28 basement car parking spaces.

**Location:** 16 Crouch Street, Colchester, CO3 3ES

**Ward:** Castle

**Officer:** Alistair Day

**Recommendation:** Approval subject to signing of Section 106 Agreement

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because objections have been received to the proposals and the viability of the scheme is such that it cannot afford to fund the s106 contributions that have been requested to mitigate the impact of this development.

## **2.0 Synopsis**

- 2.1 The major issues for consideration are:

- The impact that proposed development would have on the character and appearance of Colchester Conservation Area No.1 and the setting of nearby listed buildings;
- the effect of the development on the amenity of occupiers of nearby buildings and whether the development would provide residents with adequate amenity;
- the impact of the proposed development on highway and pedestrian safety and the free flow of traffic; and
- whether the lack of s106 contributions would result in a development that is unacceptable

- 2.2 For the reasons set out in the report, the application is recommended for conditional approval.

## **3.0 Site Description and Context**

- 3.1 The application site occupies a central position on the south side of Crouch Street (east), within Colchester town centre. The cinema was designed by architect Cecil Masey and was built in 1931. The building is composed of two distinct parts: the architecturally designed frontage range which has been described as being in a Spanish / Moorish style; and the rear auditorium, which is effectively a brick and rendered box with a corrugated roof. The interior of the building has been much altered and most of the original features have been stripped out (by a previous owner). The building closed as a cinema in 2002 when Odeon Cinema built their multiplex cinema in Head Street and has remained vacant since that time.

- 3.2 The former cinema is included on the Council's adopted List of Buildings of Local Architectural or Historic Interest and is situated within Colchester Conservation Area No.1. The front range of the former cinema, due to its distinctive architectural style, has the potential to make a significant positive contribution to the appearance of Crouch Street and in turn to enhance the special character of the Conservation Area. The auditorium in contrast is a bland box whose scale and mass is at variance with the historic grain of this part of the town centre. The auditorium is largely obscured from public view; the most obvious view being from Headgate, between the gap in the built

frontage. The auditorium is not considered to contribute positively to the character and appearance of the conservation area.

- 3.3 To the east of the former cinema is a three storey terraced mid C19 building designed in a standard 'stripped classical' style which is typical of that period and has retail units on the ground floor. The terrace is included on the Council's adopted Local List. To the west of the application site and separated by a modern three storey office building is Nos. 20-22 which is listed grade II\* (star) for its special interest. Wrapping around the rear (south) of the site is a 3 to 4 storey modern office block. The north side of Crouch Street (opposite the application site) is composed of 2-3 storey buildings of mixed date and styles.

#### **4.0 Description of the Proposal**

- 4.1 The application proposes the conversion and extension of the cinema's foyer (front range) and the demolition of the rear auditorium to create 46 residential apartments. Eleven of the proposed apartments will be accommodated in the front range and 35 apartments are proposed in a new building to the rear. On the ground floor of the front range, the existing retail units are to be refurbished. A basement is to be created providing parking for 28 cars and 56 cycle spaces as well as a plant and servicing area.
- 4.2 The scheme provides 46 no. apartments and will comprise the following: 23 no. one bed units and 23 no. two bed units; of the 46 units, there is one duplex apartment and two studios.

#### **5.0 Land Use Allocation**

- 5.1 Central Area - Mixed Use

#### **6.0 Relevant Planning History**

- 6.1 C/COL/06/0541 - Change of use of former cinema site into night club with extensions and fire escape staircases to rear and new shop fronts. – Dismissed at Appeal

#### **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. Colchester's Development Plan is made up of several documents as detailed below:

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- CE2a - Town Centre
- 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 Colchester Borough Development Plan 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
- DP6 Colchester Town Centre Uses
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP25 Renewable Energy

- 7.4 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

- 7.5 The National Planning Policy Framework (the Framework) sets out central government guidance on planning matters and is a material planning consideration.

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

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Affordable Housing  
Community Facilities  
Open Space, Sport and Recreation  
Shopfront Design Guide  
Cycling Delivery Strategy  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Planning for Broadband 2016  
Managing Archaeology in Development.  
Developing a Landscape for the Future  
Planning Out Crime  
Town Centre Public Realm Strategy  
Air Quality Management Guidance Note, Areas & Order

- 7.7 Historic England's Good Practice Notes: Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets are also material considerations

## **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.

### Conservation Advice

- 8.2 The following conservation advice has been provided by the Major Projects Manager:
- 8.3 The removal of the auditorium is regrettable as this removes a significant part of the intrinsic interest of the undesignated asset. In townscape terms this offers significant scope for enhancement given the blank box nature of the auditorium. The proposals have the potential to secure the retention and re-use of the most architecturally significant element that makes an undoubtedly positive contribution to the conservation area. In my view (subject to agreement on detailed fenestration), the additional storey on the frontage is acceptable and successfully melds/articulates with the existing and attached buildings. It would not adversely affect the setting of the neighbouring Grade II\* listed building (20-22 Crouch Street) and locally listed terrace (no.1-14). The frontage block would remain in scale with the historic street scene.

- 8.4 In terms of the impact of the development on the wider conservation area, the new rear flatted block will inevitably have a greater architectural presence than the existing. In views from within the adjacent courtyard (semi-public) and especially from Head Street and Southway the new building would be read as a well composed flatted scheme elevated competently in a contemporary style. The scale relates well to surrounding commercial buildings of the later C20 and is arguably of a higher architectural quality and would therefore enhance the character and appearance of the area (subject to detailing). The four storeys plus penthouse scale reflects the adjacent built forms that are seen from South Way and in wider long views from St Johns Green the new block would be lost in the jumble of blocks and roofscapes. The side elevation into the side courtyard to the rear of the Crouch Street frontage would not appear over-scaled and would not materially affect the setting of the rear of No.20-22 Crouch Street. It would introduce surveillance and activity that would enhance the sense of place within this existing commercial court.
- 8.5 Core Strategy ENV1 and UR2 and Development Policies DP1 and DP14 are complied with as the proposals would respect and enhance the character of the site and remove unsightly features. The proposals will also conserve the historic environment.

Urban Design Officer

- 8.6 No Objection - subject to some conditions being attached with regard to detailed matters.
- 8.7 The scheme is generally of good design in response to the site context and despite various constraints including viability. The main benefits will be the rejuvenation of the long vacant and decaying site, retention of the historic asset and provision of new high quality homes meeting housing need. This will significantly contribute to the regeneration of the Crouch Street area, including its built environment, life and vitality. Buildings are reasonably massed considering the historic town centre context, existing precedent and in response to immediate neighbours, this being carefully negotiated and involving the omission of a previously proposed additional floor. Car parking and private amenity appears reasonably provided taking into account the urban context and site constraints. Development also reasonably protects the amenity of surrounding development considering the urban context and existing precedent. The main/rear new building block is reasonably designed, subject to conditions guaranteeing high quality materials and details which will be inherently key to the success of the relatively simple contemporary styling.
- 8.8 An outstanding concern is the design of the 2<sup>nd</sup> floor extension to the Crouch Street frontage which appears apologetically caught between styles, neither refreshingly contemporary nor reassuringly traditionally translated from the vernacular below. However, I understand suitable improvements can be secured through condition. I was also concerned about the entrance to the underground parking being vulnerable to anti-social behaviour, though I understand this was the only solution acceptable to the highways authority considering the risk of queuing.

### Archaeological Officer

- 8.9 The site of this development is an area of archaeological importance, recorded in the Colchester Historic Environment Record, close to the Roman walled town. An adequate archaeological desk-based assessment (CAT Report 1041) has been now submitted with the application. This research indicates there is high potential for encountering important below-ground archaeological remains at this location.
- 8.10 There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 8.11 In this case, an archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.
- 8.12 Pre-determination archaeological evaluation is not now required for this proposal. However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

### Landscape Officer

- 8.13 A comprehensive strategic hard and soft landscape design for the developments external spaces needs to be submitted as part of the proposal. These proposals should be designed to complement and help tie together the built form through the sensitive use of soft landscape (e.g. in the form of planters to the horizontal plane and climbers to the vertical) where space and light allows, and a dynamic hard/external-works landscape layout using a simple/minimal pallet that clearly complements the built form

### Environmental Protection

#### General

- 8.14 Environmental Protection recommends the attachment of conditions to cover the following should planning permission be granted:

Noise Control  
Emission Control; and  
Best practice for demolition site

## Contamination

- 8.15 It is noted that no walkover was conducted as part of the instructed works. However, based on the information provided, the conclusions and recommendations would appear reasonable i.e. that an intrusive investigation is not considered to be warranted at this time, but that if during development ground conditions are found to differ from those anticipated, further risk assessment will be required.
- 8.16 Consequently, should permission be granted for this application, a condition regarding unexpected contamination is recommended.
- 8.17 In addition, to the above, the Council's Contaminated Land Officer recommended that that pre-demolition asbestos surveys and necessary removal works should be conducted prior to commencing any demolition works on the existing building.

## Highway Authority

- 8.18 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:
- Development not occupied until basement parking (car and bike) available for use
  - Residential Travel Pack to be issued to residents
  - Construction Method Statement to be agreed

## Historic England

- 8.19 On the basis of the submitted information Historic England do not wish to offer any comments on this proposal.

## SuDs Team

- 8.20 The SuDs Team has reviewed the drainage strategy and the associated documents which accompanied the planning application and have confirmed that they do not object to the granting of planning permission subject to conditions

## Cinemas Theatre Association

- 8.21 The Cinema Theatre Association (CTA) is the national body for the study of historic cinema buildings



- 8.22 The Regal was designed by accomplished theatre and cinema architect Cecil Masey. It has an impressive frontage with an unusual facade in an exuberant Spanish-American style unparalleled in Essex. This represents an important survivor of the provincial work of an accomplished cinema architect. The Regal is included in the Colchester Town Centre Conservation Area and is described in the Conservation Area Character Appraisal as one of the more interesting buildings in Crouch Street. The Character Appraisal also singles out for comment the range of shops which flank the tall gabled front and the fancy metalwork grills on the first floor metal windows of the cinema.

Recommendation:

- 8.23 The CTA welcome proposal to retain and repair the building's facade. Concern is expressed at the amount of intervention which is proposed to this facade, which will have a detrimental impact upon the building's historic and architectural significance. In particular:

- The CTA objects to the introduction of a second storey of dormer windows. Adding an additional storey will detract from the visual unity of the building's façade which is currently well-preserved and provides a good understanding of the architect's original design intention.
- The retention of the cast iron balconettes to the windows are welcomed. The proposed replacement windows are unsympathetic and do not follow the original window treatment, which should be used as model for any proposed restoration.
- The cinema originally had a pair of recesses on either side of the front door at ground level with Spanish-style arches referencing the building's gable above. It is possible that these may still exist under later cladding. It would be beneficial if these could be reinstated.
- CTA understand that the original entrance doors to the cinema still survive. These should be retained and restored as part of the building's refurbishment.

- 8.24 Internal decoration: When the CTA visited the cinema several years ago, there was still significant amounts of internal decoration surviving at ground level and in what had been the restaurant, which extended along and behind the first floor windows. We would urge that, where possible, any surviving internal decoration and fittings in the foyer and former restaurant should be retained and refurbished as they form an integral part of the building's character.

Conclusion:

8.25 The CTA welcomes proposals to repair the building and bring it back into beneficial use, but in their view the submitted scheme does not sufficiently respect the original design intention of the cinema's façade, which makes such a distinctive contribution to the streetscape and the Conservation Area.

8.26 *Officer Comment: The comments from CTA referred to above relate to an earlier reiteration of the proposal.*

## **9.0 Parish Council Response**

9.1 The site is not 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.

### Colchester Cycle Club

10.2 We support ECC's stance with regard to the need for car parking at this site. Our observation about the quality of the cycle parking in this plan still applies.

10.3 *Officer Comment: The comments from ECC referred to above relate to an earlier reiteration of the proposal in which they queried the need for on-site car parking. Subsequent to this, amend proposals have been submitted and the Highway Authority has confirmed that they do not have objection to this proposal subject to specified conditions.*

### Other representations

10.4 Representation from the owner of Southway House has made the following representations:

- The development is located a relatively short distance from the north facing façade of Southway House. The close juxtaposition between the buildings will compromise the privacy of occupiers of the existing building and future residents of the development.
- The development, if permitted, would prejudice any future application under Permitted Development Rights to change the use of Southway House into residential use.
- The development is likely to cause disruption to the access of Southway House car park and the operations that are carried out from this building.
- There is not an objection to the re-development of this site in some form, which will serve to uplift the area as a whole, however the scheme will have

a detrimental impact on the owners and occupiers of Southway House in its current form.

## **11.0 Parking Provision**

11.1 28 car parking spaces are proposed. Car parking provision is discussed further in the main body of the report.

## **12.0 Open Space Provisions**

12.1 Limited open space is proposed as a part of this application, due to the constraints of the site. A number of the units are provided with balconies, secluded sitting out areas or roof terraces. A small communal courtyard is provided between the historic building and the new apartment block.

## **13.0 Air Quality**

13.1 The application site is located approximately 80m outside the town centre Air Quality Management Area (AQMA). Air Quality implications are discussed in the main body of the report.

## **14.0 Planning Obligations**

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. The following obligations were requested:

- Affordable Housing - 8 housing units or a contribution of £431,480
- Education - £56,600 for primary school contribution to St John's Green Primary School.
- Open Space and Sport Facilities - £138,631 for enhancing recreational facilities at Hilly Fields including access improvements to footpaths and cycle ways.
- Community Facilities - a disabled toilet in the ground floor retail units.

14.2 Viability issues and the requested s106 contributions are discussed further in the main body of the report.

## **15.0 Report**

### Principle of Development

15.1 The application site is located on the edge of Colchester town centre and is identified as a Mixed Use Area on the Proposals Map. CS Policy SD1 states that new cultural, retail, office and mixed use developments will be delivered through regeneration of the Town Centre and its fringe. CS Policy TC1 states that Mixed Use Areas will provide mixture of residential and commercial uses. DPD Policy DP6 provides further guidance stating that appropriate uses will be supported where: a proposal contributes to the design quality, activity levels and character of the area; complement other uses on the frontage; and have no significant adverse impact on neighbourhood amenity. This policy goes on to state that support will also be given to bringing upper floors back into use, particularly for C3 residential

purposes and B1 business uses. The Framework promotes the growth of town centres and recognises that residential development can play an important role in ensuring the vitality of such area.

- 15.2 The proposed development, which will provide 46 units of residential accommodation with small scale retail units on the ground floor, is considered to accord with the aforementioned policies and the guidance set out in the Framework.

### Heritage Considerations

- 15.3 The Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings and their setting and that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. CS Policy ENV1 and DPD Policy DP14 together seek to conserve and enhance Colchester's historic environment. Section 12 of the Framework deals specifically with conserving and enhancing the historic environment.
- 15.4 The former Odeon cinema is not a listed building. It is however included on the Council's adopted Local List of Buildings of Architectural or Historic Interest. The application site is located within Colchester Conservation Area No.1. There are also a number of listed buildings in the vicinity of the application site and special regard has to be paid to the setting of these buildings.
- 15.5 The former Odeon cinema comprises two distinct parts, namely the architecturally designed frontage range comprising the entrance foyer with its embedded shops and carriage arches and the rear auditorium. The front range consists of the Spanish or Moorish style gabled foyer (equivalent to three plus storeys in height) which is flanked by two storey hipped wings. To either side of the entrance foyer were originally recessed niches which reflected the design of main gabled foyer. At first floor level, the windows have cast iron balconettes which were originally surmounted with a string course that extended down like inverted consoles into bays between the windows. The front range is characteristic of 1930's cinema architecture, albeit of a slightly unusual design. The rear auditorium is essentially a large brick and rendered box with a corrugated roof. The building has been vacant since the Odeon moved to its current location in Head Street (about 13 years ago) and is in poor condition due to lack maintenance and repeated vandalism. In its current condition the former cinema is considered to detract from the general appearance of this part of the town centre and wider conservation area.
- 15.6 The current application proposes the repair and refurbishment of the front range. The ground floor shop units are to be reinstated and the entrance foyer and first floor converted to residential use. The distinctive windows (including the original foyer window) are proposed for renewal / reinstatement along with the original plaster work patterning. It is proposed to add a second floor of residential accommodation to the side wings. The new floor of accommodation will be set back behind a parapet wall and will have a hipped roof. The concerns expressed by the CTA regarding the addition of the extra floor of accommodation are appreciated. Members should however note that this representation relates to an earlier version of the scheme that had a mansard roof. The application has since been amended

so that the new floor of accommodation is set back behind a parapet wall and now retains the hipped roof form of the original building. As a result of these changes, the proposed additional floor is clearly read as a new insertion and will not compete with unique design of original building. Notwithstanding these changes, officers accept that the insertion of an additional floor will subtly change the character of former cinema and the appearance of this part of Crouch Street. In negotiating these changes, officers have been mindful of the need to balance design issues with the need to ensure that the scheme is viable and hence deliverable. Securing the refurbishment of the front range, even with the addition of the extra floor of accommodation, will do much to enhance the appearance of this building and its contribution to the conservation area.

- 15.7 The rear auditorium is in a very poor condition. The original main space has a raked floor which has been vandalised and water damaged over the last 13 years. The auditorium does not readily lend itself to alternative uses and, this combined with the extensive repairs that are required, means that it is not practical or viable to convert this part of the building. The current application therefore proposes the demolition of the rear auditorium and the erection of a new block of residential accommodation.
- 15.8 The demolition of the rear auditorium is regrettable as this removes a major part of the intrinsic interest of the undesignated asset. In townscape terms, the removal of the rear auditorium offers significant scope for enhancement of this part of the town given the blank box nature of the auditorium. Moreover the proposals secure the retention and re-use of the most architecturally significant element of the former cinema – i.e. the frontage range – and therefore enhance this part of the town centre conservation area.
- 15.9 The new accommodation block will be of a similar height to the existing auditorium but will occupy a smaller footprint. The proposed building will be five storeys in height with the top floor set back from the main building face to provide penthouse style accommodation. In design terms, this gives the top floor a recessive and subordinate quality and helps to reduce the overall visual of mass of the building. The elevational treatment of the proposed apartment block has an ordered structure and the disposition of windows and balconies / projections have been used to create a rhythm that is reflective of the grain of the surrounding townscape. A light connecting structure is proposed to link the new apartment building to the historic front range. The connecting building has been designed to reconcile the difference in floor levels between the two buildings. The new apartment block will be most visible from Headgate and the junction of Butt / Southway. The design of the building is a considerable improvement on the bland industrial box of the existing auditorium.

- 15.10 When considering the impact of a proposed development on a heritage asset, the Framework at paragraph 132 states that great weight should be given to the conservation of the heritage asset's significance. In this case, the designated heritage assets are Colchester Conservation Area No.1 and the nearby listed buildings, including nos. 20-22, which are listed grade II\* (star). Paragraph 133 deals with substantial harm to, or total loss of significance of, a designated heritage asset. It is not considered that the proposed development would result in substantial harm to the identified designated heritage assets. Paragraph 134 deals with less than substantial harm and indicates that any such harm should be weighed against the public benefits of the proposal. In this instance, the benefits of the scheme include: bringing a locally listed building back into re-use; the provision of a choice of housing types in a sustainable location and the economic benefits as result of construction activity and possible job creation.
- 15.11 The Framework explains heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The former Odeon cinema is of local significance not only because it's design but also due to its social and cultural interest. It therefore has value as a non-designated heritage asset. The refurbishment of the front range will help to enhance the character and appearance of the conservation area and the setting of nearby listed buildings. The demolition of the rear auditorium and its replacement by a new residential apartment block is also considered to enhance the street scene when viewed from Headgate, Southway and St Johns Green therefore this part of the conservation area.
- 15.12 The Council's Archaeological Officer notes that the application site is in an area of high archaeological potential and, as such, there is the potential for the proposed development to have an impact on buried archaeology. When constructing the former cinema, extensive excavations were undertaken and it is therefore thought likely that most buried archaeology would have been destroyed at this time. It is however possible for some archaeology to have survived and, given this, an archaeological recording condition is recommended.
- 15.13 For these reasons given above, it is considered that the proposed development would enhance the character and appearance of the town centre conservation area as a whole and the setting of nearby listed buildings in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development is also not considered to have a significant adverse impact of buried archaeology. As a result there would be no conflict with the aforementioned local plan policies and the guidance set out in the Framework.

#### Design Considerations

- 15.14 CS Policy UR2 seeks to promote and secure high quality design. DPD policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. DP11 and DP12 reflect the requirement for high quality design in new developments. The Framework promotes high quality design and states that poor quality design should be rejected.

15.15 The general design of the proposed development is discussed above and for the reasons explained is considered to have a positive impact on the character and appearance of this part of the town centre. With regard to materials, it is proposed to repair / re-render the front facade and render the rear façade of the front range where brick work is exposed. The new upper level of accommodation will also have a rendered finish and will be provided with a slate roof. The new apartment block will be faced in a buff brick with dark grey powder coated aluminium windows and capping to the lower 4 levels. The top floor which is set back from the façade of the floors below will be finished in a horizontal aluminium cladding system. The windows will be finished in the same colour throughout and balconies will have an aluminium frame glazed panel with a handrail. The roof will be finished in a mid/dark grey single ply membrane. Conditions are proposed to ensure that materials and the design of architectural features are appropriate. These conditions will also help to address the observations made by the Council's Urban Design Officer and CTA.

#### Amenity Considerations

15.16 DPD policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity

15.17 An objection has been raised from the owner of Southway House (located to the south of the site) who has expressed concern about the close juxtaposition between their offices and the proposed development: they opine that the proposed new relationship between these buildings would compromise the privacy of existing and future users. These concerns are appreciated, particularly as the existing occupiers of Southway House have had a long history of facing out (to the north) onto an 'inactive' built form. The proposed south elevation of the new apartment has been elevated with windows and it is therefore accepted that there will be some inter-visibility between the proposed development and Southway House. It is however important to note that whereas the cinema is built up to the boundary, the south face of the proposed apartment building is set back from the boundary, creating a distance of 8m plus between the two buildings. An 8m separation is not dissimilar to the width of many historic streets (for example Crouch Street is about 12m wide) and in this context the interrelationship between these two buildings would not seem to be unreasonable. The concerns raised by the owner of Southway House have nevertheless been discussed with agent. In order to reduce the perception of privacy being compromised, 1.8m privacy screens have been proposed to the terraced areas of the ground floor units and 1.6m high screens proposed to the balconies (which will obscure direct views when seated). The agent has also noted that whilst planning policy documents such as the Essex Design Guide provide criteria for the protection of residential amenity, commercial buildings are not considered to have the same sensitivity and therefore greater flexibility can be applied.

- 15.18 The Building Research Establishment's Report "Site Layout Planning for Daylight and Sunlight 1991 suggests that acceptable daylight in interiors is achieved if a 25° vertical angle from a point two metres above the floor is not obstructed. With regard to the potential impact that the proposed development would have on internal lighting levels of existing buildings, it is considered that there would be a general improvement as the footprint of the new building is smaller than that of the cinema. With regard to the new development, the majority of the proposed units would meet the 1990 standards for interior light. A small number of the ground floor units would not however meet the recommendations set out in the 1990 standards. Whilst this is something that officers would not normally encourage, the need for a certain quantum of development to make to the scheme viable combined with the surrounding dense urban built context means that strict adherence to this guidance is not considered practical. On balance, the benefits of this scheme are considered outweigh this shortcoming.
- 15.19 The application site is located within a street, which experiences a relatively high traffic volumes and in particular buses. It is also a street containing a significant proportion of uses that contribute to Colchester's night time economy and where people gather late into the night. A noise survey of existing ambient noise conditions has been carried out to determine the impact of noise on future occupiers of the development. This report concludes that with suitable mitigation (for example glazing and ventilation) the criteria for assessment, that of BS 8233:2014 and the World Health Organisation *Guidelines for Community Noise*, can be met. Environmental Protection Team has not raised any concerns in respect of the issue of noise.
- 15.20 A representation has been received from the owner of Southway House that the development is likely to cause noise and disturbance during the demolition and construction works. Environment Protection and the Highway Authority have also noted that this development has the potential to cause disturbance to the amenity of adjacent occupiers and road users during its construction. It is accepted that the development has the potential to impact on the amenity of nearby occupiers and a condition is recommended requiring the submission of a Construction Method Statement.
- 15.21 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

#### Landscape and Ecology

- 15.22 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. DPD Policies DP1 and DP21 and paragraph 118 of the Framework requires planning applications to provide appropriate landscaping and conserve or enhance biodiversity interest



- 15.23 The footprint of the existing building occupies much of the site and there are no natural features of significant interest. As a part of the redevelopment of this site an internal communal courtyard will be created, which will be hard landscaped. Given the constraints of the site, and, in view of its central location, the provision of large areas of communal private amenity space is not considered practical and/or contextually appropriate.
- 15.24 Given that the former cinema has been vacant for a number of years, there was a potential for bats (which are a protected species) to be present in the building. An ecological report was therefore submitted in support of this application. This report states that no bat droppings were found in the building. The report also notes that former cinema is constructed of materials that are of low suitability for roosting bats and that it is significant distance to foraging resources (trees/water bodies) which further reduces its potential as a roost. The report does however note that there is the potential for nesting birds and that appropriate checks will need to be made prior to the commencement of any works. The report concludes by stating that the installation of a native and wildlife friendly planting scheme and the provision of bat boxes on new buildings could enhance the ecological potential of the site. Given that the ecological reports states that the building is located a significant distance to foraging resources a condition is not proposed regarding the installation of bat boxes; a condition is however recommended regarding the installation of bird boxes.
- 15.25 The proposed development is considered to accord with CS Policy ENV1, DPD Policies DP1 and DP21 and the Framework.

#### Private and Public Open Space Provision

- 15.26 DPD Policy DP16 states apartments should be provided with a minimum of 25sqm per flat and that where balconies are provided this space may be taken off the communal requirement. Development Plan Policy DP16 states that in addition to private amenity space, all new residential development will be expected to provide new public areas of accessible strategic or local open space.
- 15.27 Given the built form constraints of the site, is not practical to provide on-site of POS (10% of the site area). A request for a contribution for off-site enhancement of public open space has been made, which is discussed when considering the viability of the scheme. In terms of private amenity space, 20 of 35 flats within the new apartment block are provided with either private balconies, secluded sitting out areas or roof terraces, whilst one of the 11 flats within the converted front range will be provided with private amenity space (a roof terrace). In town centre locations, particularly on sites that involve the conversion of an existing building, it is not unusual for residential properties to have smaller areas of private amenity space. Given the context and constraints of this site, the type of units proposed (apartments as opposed to family dwellings) the proposed amenity space provision is considered to be acceptable.

## Transport and Accessibility

- 15.28 CS policies TA1 to TA4 seek to improve accessibility and change travel behaviour as part of a comprehensive transport strategy. Public Realm Policy PR2 requires that the design creates secure attractive, safe and people friendly streets which encourage more walking, cycling, recreation and local shopping. The Adopted Cycling SPD (January 2012) sets out a number of measures to enhance and promote cycling.
- 15.29 Given the site's town centre location, there is an existing good network of pedestrian and cycle links. The proposed development will also have very good access to public transport (bus and rail) facilities.
- 15.30 There is currently no formal parking on-site and the application proposes the creation of 28 parking spaces and 56 cycle parking spaces within the proposed basement. The basement parking will be accessed via the existing carriage arch on the west side of the building. The Highway Authority is of the opinion that the proposal will not result in a significant adverse impact in terms of highway safety or capacity and, as such, has not raised an objection to this application. The Highway Authority has requested that residential travel information packs are provided to each residential unit. Travel Packs will help to influence the behaviour and travel choices of a proportion of the occupants of the proposed apartments, initially at least. The requirement to provide travel packs accords with development plan policies and the principles in Framework which seek promote sustainable transport choices and accessibility.
- 15.31 Given the above, it is considered that the proposed development would accord with relevant development plan policies and national planning policy guidance set out in the Framework.

## Parking

- 15.32 Policy TA5 of 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. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.33 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided and that for one bedroom units 1 space per unit is acceptable. In addition to this provision visitor parking at a ratio of 0.25 spaces per unit is generally required. The guidance does however state that where development is located within the urban areas with good links to sustainable transport a lower parking standard can be considered.
- 15.34 The application site is located in Colchester town centre and is easily accessible by public transport. In view of this, a lower level of parking provision can be accepted on this site.

- 15.35 The application proposes 28 car parking spaces. The standard parking requirement for the number of units being proposed (23 no. 2 bed units and 23 no. 1 bed units) is 69 parking space, plus 12 visitor parking spaces. Whilst it is accepted that the parking provision is less than the standard provision set out in the adopted guidance, given that the site is located within the town centre, it is considered that a lower level of parking provision can be accepted in this instance. Members may also wish to note that three of the parking spaces are provided with electric charging points and that the penthouse will be provided with two parking spaces.
- 15.36 In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided. The application proposes 56 secure cycle parking spaces. This is in excess of the standard requirements and reflects the lower level of car parking and the site's sustainable location.
- 15.37 The proposed development is considered to accord with the aforementioned planning policies, the adopted guidance on parking and the Framework.

#### Hydrology and Drainage

- 15.38 CS policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. Core Strategy policy ER1 relates to Energy, Resources, Waste, Water and Recycling in Colchester. Development policy DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.
- 15.39 A Drainage Strategy has been submitted which shows that the site is situated within Flood Zone 1 – i.e. little to no risk of flooding. As this is a major application ECC Suds Team have been consulted and they have not raised an objection to this proposal.

#### Contamination

- 15.40 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The desk top based contamination report accompanying this application concludes that the site is suitable for residential development. The Council's Contamination Land Officer agrees with the conclusions of the submitted report and has recommended a condition to cover unexpected contamination.

## Air Quality

- 15.41 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that "The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, and local amenity and built character." The adopted Colchester Borough Council - Air Quality guidance note is a material consideration.
- 15.42 The application site is located approximately 80m south-west of an Air Quality Management Area (AQMA) designated as a result of high nitrogen dioxide (NO<sub>2</sub>) concentrations, which covers a large section of Colchester town centre. The Air Quality Report submitted with this application concludes that the actual impact of the development on the overall local air quality and on the future occupiers of the development will be slight and below thresholds, which would require specific mitigation. In recognition of the site's close proximity to the AQMA, the applicant has agreed to provide three electric charging points (to encourage greener cars) and a higher level of cycle parking (to encourage more sustainable modes of travel).
- 15.43 Environmental Protection has not raised an objection to this application on the grounds of impact on air quality.
- 15.44 It is considered that the proposed development is consistent with the requirements of the Council's adopted development plan policies, supplementary planning guidance and the Framework as regards to air quality impacts.

## Viability and Development Obligations

- 15.45 4CS Policy SD2 requires that new development to provide necessary contributions to meet the community needs arising from a proposal. This policy goes on to state that the viability of developments will be considered when determining the extent and priority of development contributions. Further policies on specific topic areas are provided within the Core Strategy and the Development Plan Policies (for example on affordable housing, health, community facilities and open space etc.).
- 15.46 Paragraph 173 of the Framework states that the scale of obligations and policy burdens should not be so great as to threaten the ability of a scheme to be developed viably. Paragraph 176 states that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.

15.47 The Council's Development Team considers all major planning applications and makes recommendations in respect of priorities for s106 obligations. The Development Team made the following obligations requests:

- Affordable Housing - 8 housing units or a contribution of £431,480
- Education - £56,600 for primary school contribution.
- Open Space and Sport Facilities - £138,631.
- Community Facilities – the provision of a disabled toilet within one of retail units.

15.48 The application proposes 46 residential units and therefore the Council's adopted policy on affordable housing would have traditionally been applicable to this development. Changes to the way that affordable housing contributions can be sought from a development were however made to the National Planning Practice Guidance (NPPG) in May 2016. These changes included the introduction of the Vacant Building Credit which is intended to provide an incentive to bring forward development on brownfield sites containing vacant buildings. This provides that where a vacant building is brought back into use or is demolished and replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant building(s) when calculating any affordable housing contribution. Affordable housing contributions can be sought for any increase in floor space proposed by such an application.

15.49 In the case of the former Odeon, the applicant notes that building has an existing floor space of 3,660sqm and that the application proposes a total of 3,939sqm resulting in an additional 279sqm of floor space. This additional floor space can be translated to an affordable housing contribution and would thus need to be considered in the context of the scheme's overall viability.

15.50 The agent has stated the scheme for the redevelopment of the former Odeon site is not viable and cannot support any S106 obligations. To this end, a viability assessment has been submitted to the Council for consideration. The viability assessment was prepared by Morley, Riches & Ablewhite Chartered Surveyors in April 2017. The reports shows that 10.24% profit on the Gross Development Value (GDV) will be generated from the scheme which does not include any affordable housing contribution. If the s106 contribution are included, the developer's appraisal states that the developer's profit would reduce to 8.58% of GDV. A developer would normally expect to make a 20% profit on a pure residential scheme.

15.51 BPS, the Council's appointed viability consultants, has advised that whilst the scheme cannot viably deliver an affordable housing contribution, it can support s106 contributions. This is based on a developer profit of 19.8% of GDV (adjusted to take account of the retail element) which can be achieved when the benchmark land value attributed to the site by BPS is applied. BPS note however that if the purchase price is applied, the proposal would result in a significant apparent loss. (BPS has advised that in the absence of supporting analysis the purchase price is not considered to represent a suitable benchmark land value

as it would not comply with paragraph 23 of the NPPG which stipulates that the land value should: a) reflect planning policy requirements; b) provide a competitive return to the land owner and developer; and c) have regard to relevant market evidence).

15.52 BPS's Cost Consultant has also reviewed the applicant's build costs and does not consider the build costs to be excessive; indeed the Cost Consultant has commented that the applicant's costs are below those resulting from his benchmarking exercise by £1.59million. If the Cost Consultant's build costs are factored into the analysis, any surplus from the scheme is eradicated.

15.53 As can be seen from above, the bench mark land value and build costs have been based on assumptions which are unconfirmed and are not agreed in this instance. This has meant that there are differences between the applicant's cost analysis and that undertaken by BPS. Given this, it is proposed that the development is subject to a further viability review once build tender prices have been obtained and there is a clearer picture as regards to sales values of the units as this will enable a more robust assessment of this scheme's viability. This information would not however provide clarification on the bench mark land value and, in the absence of any further justification from the applicant in respect of this matter, it is recommended that the BPS bench mark land value is used in the future viability assessment. Should it be ultimately demonstrated that the scheme is sufficiently viable to support s106 contribution, it is recommended that the contributions are allocated first to the identified open space schemes and then to education schemes. (It is not considered reasonable (i.e. to meet the planning tests) for a disabled toilet to be provided within one of the small retail units. The viability review mechanism is to be secured through a s106 agreement.

## **16.0 Conclusion**

16.1 The Framework has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. A core planning principle of the Framework is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The proposal will enable the re-use of the former cinema, a locally listed building, which contributes to the designated heritage asset of the conservation area. It is considered that the scheme would acceptably fulfil the environmental dimension of sustainable development by preserving the identified heritage assets. The development will also have economic and social benefits by creating construction activity, promoting the vitality of the town centre and by possible creation of jobs.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is approval subject to the signing of a s106 agreement to cover an updated viability appraisal and potential contributions in relation to open space and education facilities and 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 - \*Development to Accord With Approved Plans:**

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

Location Plan - Drawing No. 1101  
Basement Plan – Drawing No. 6315 1211 B  
Ground Floor – Drawing No. 6315 1212 B  
First Floor – Drawing No. 6315 1213  
Second Floor – Drawing No. 6315 1214  
Third Floor – Drawing No. 6315 1215  
Fourth Floor – Drawing No. 6315 1216  
Roof – Drawing No. 6315 218  
Elevation 1 of 3 – Drawing No. 6315 1301A  
Elevation 2 of 3 – Drawing No. 6315 1302  
Elevation 3 of 3 – Drawing No. 6315 1303A  
Elevation North – Drawing No. 6315 1305A  
Elevation South – Drawing No. 6315 1307  
Elevation West – Drawing No. 6315 1308A  
Detail Bay – Drawing No. 6315 1310

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

**3. Non Standard Condition - Making the building wind and weathertight**

Within two months of the dates of this approval a Schedule of Works to make the building wind and water proof and secure from unauthorised. The Schedule of Works shall be implemented within one month of the date of their approval or such other timeframe as may be agreed with the Local Planning Authority.

Reason: To safeguard this locally listed building and its contribution that it makes to the character and appearance of the conservation area.

**4. Non Standard Condition - Archaeological Works**

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.

**5. Non Standard Condition - Building Recording**

Prior to the commencement of any works, an appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the building that forms part of this permission. This record shall be carried out by an archaeologist or building recorder, or an organisation with acknowledged experience in the recording of standing buildings who shall have previously been agreed, in writing, by the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has previously been agreed, in writing, with the Local Planning Authority.

Reason: To secure the proper recording of the listed building that formed part of the historic development of this site

**6. Non Standard Condition - Safeguarding hitherto unknown historic fabric**

If hitherto unknown evidence of historic character that would be affected by the works hereby approved is discovered an appropriate record together with recommendations for dealing with it in the context of the scheme shall be submitted for written approval by the Local Planning Authority

Reason To secure the proper recording of the listed building that formed part of the historic development of this site



**7. Non Standard condition - Pre- contract details**

No works of demolitions or alteration by way of substantial or partial demolition shall begin before evidence has been submitted to and approved in writing by the Local Planning Authority of a binding contract for the full implementation of the comprehensive scheme of development (and associated planning permission for which the contract provides)

Reason: To ensure that demolition works do not commence in isolation to the main proposals for the redevelopment of this site.

**8. Non Standard Condition - Demolition Method Statement**

Prior to the commencement of works, details showing the precise areas of the building to be demolished and Method Statement (including drawings where appropriate) for ensuring the safety and stability of the building fabric identified for retention throughout the phases of demolition and reconstruction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved Method Statement.

Reason: To ensure that the locally listed building is appropriately protected and to safeguard its contribution to the character and appearance of the conservation area.

**9. Non Standard Condition - Asbestos Survey**

Prior to the commencement of any demolition or the stripping out work an Asbestos Survey of the building shall be submitted to and approved in writing by the Local Planning Authority. If asbestos is discovered, the survey shall be accompanied by a report setting out how the asbestos is to be removed and disposed of. The development shall be implemented in accordance with the agreed detail.

Reason: To ensure that risks from asbestos 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

**10. Non Standard Condition: Construction Method Statement**

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

- i) the parking of vehicles of site operatives and visitors
- ii) hours of deliveries
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development
- v) the hours of work
- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) wheel washing facilities
- viii) measures to control the emission of dust and dirt during construction
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works
- x) a method statement for piling works

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

**11. Non Standard Condition - Unexpected land contamination**

In the event that unexpected land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of potentially contaminative former uses, where there is the possibility of contamination.

**12. Non Standard Condition - Levels**

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent properties, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

**13. Non Standard Condition - Noise Mitigation Scheme**

Prior to the commencement of works (excluding works of demolition and underground enabling works) a Noise Mitigation Scheme to safeguard future occupier of the development from excessive noise shall be submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation Scheme shall be substantially in accordance with the Loven Acoustic Environmental Noise Assessment Report dated 10 November 2016. The development shall be implemented in accordance with the approved details.

Reason: To ensure that future residents of the building are not adversely affected by undue noise.

**14. Non Standard Condition - Additional Drawing of Architectural Features**

Prior to the commencement of any works on the front (retained) range of the building, a Schedule of the Repair and Reinstatement Works for this part of the building shall be submitted to and approved in writing by the Local Planning Authority. The Scheme of Repair and Reinstatement shall include a written specification and drawings (at a scale of 1:5 and 1:50) as appropriate of the following:

- Render Mix and Colour Finish
- Details of the reinstatement of ornate plaster work,
- Details of the reinstatement of the niches to either side of the entrance foyer,
- Reinstatement / Repair of windows, balconettes and glazed screen
- Foyer Entrance Doors and canopy
- Shop fronts and Fascia Panels
- Entrance Steps
- Carriage Arches and gates
- Copings
- Rainwater goods
- Roofing materials

The development shall be implemented in accordance with the details subsequently approved.

Reason: To safeguard the character and appearance of the conservation area by ensuring that the front range is appropriately restored and lost and/or damaged architectural features are reinstated.

**15. Non Standard Condition - Additional Drawing of Architectural Features**

Notwithstanding the details submitted, additional drawings of the second floor extension to the front range (at a scale of 1:5 and 1:50 as appropriate) shall be submitted and approved in writing by the Local Planning Authority prior to works commencing on this part of the buildings. The additional drawing shall include details of the parapet wall and coping, the render finish and colour, windows and other openings (including cills and reveals), verge and eaves, rooflights and roof coverings. The development shall be implemented in accordance with the details subsequently approved.

Reason: In sufficient information has been submitted to ensure that the detailing to this prominent elevation does not detract from the character and appearance of the conservation area and the setting of nearby listed building.

**16. Non Standard Condition - Additional Drawing of Architectural Features**

Prior to the commencement of works on the new apartment building (excluding demolition and underground enabling works) and notwithstanding the details submitted additional drawings that show details of the link structure, windows, cills, arches, louvres and/or panelling, doors, projecting brickwork / balconies, parapet, screens, rainwater goods, verges, eaves to be used, by section and elevation, at scales between 1:50 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: In order to ensure that the architectural detailing of the development is appropriate and to safeguard the character and appearance of the heritage assets and their setting.

**17. Non Standard Condition - Materials**

No development shall take place until full details of the materials (including brick bond, joint profile and mortar colour) to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure that suitable materials are used on the development and to safeguard the character and appearance of the heritage assets and their setting

**18. Non Standard Condition - Reinstatement Works**

No part of the building shall be occupied until the section of the front range (east carriage arch) proposed for removal to facilitate construction access to the rear of the site has been reinstated. The reinstatement works shall match the existing structure in all its detail unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the section of the Crouch Street frontage that is to be removed to facilitate construction access to the rear of the site is reinstated in a timely manner and that the reinstatement works replicate the original detailing of this part of the building.

**19. Non Standard Condition - Landscape**

No works shall take place (except of works of demolition) 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:

- MEANS OF ENCLOSURE;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; 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.

**20. Non Standard Condition - Surface Water Drainage**

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

- The run-off rate restricted to 2.85l/s for all events up to the critical 1 in 100 inclusive of climate change storm event.
- Provide sufficient storage to ensure no on or off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. Any storage device should have appropriate half drain times.
- Final modelling and calculations for all areas of the drainage system.
- Appropriate FFLs which are above any surface water flood risk.
- 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.

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

**21. Non Standard Condition - Drainage Management**

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

Reason: To safeguard against the potential for flood risk or pollution hazard from the site.

**22. Non Standard Condition - Drainage Management**

No works shall take place until a Drainage Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Drainage Management Plan shall include who is responsible for different elements of the surface water drainage system, the maintenance activities/frequencies and, if any part is to be maintained by a maintenance company, details of long term funding arrangements. The scheme shall be implemented in accordance with the Drainage Maintenance Plan and maintained thereafter as such.

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

**23. Non Standard condition - Foul water strategy**

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding

**24. Non Standard Condition - Refuse and recycling**

Notwithstanding the details submitted, additional drawings shall be submitted to and approved by the Local Planning Authority of the refuse and recycling storage facilities. The facilities shall be provided prior to the occupation of the unit(s) hereby permitted and shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that the proposed refuse and recycling storage facilities are of an appropriate size for the storage and collection of waste and that their design and materials reflects that part of the development in which they are located.

**25. Non Standard condition - Privacy screen**

The privacy screen(s) and/or balconies shown on the approved drawings shall be erected prior to the occupation of each unit that they are intended to serve and shall be retained thereafter in their approved form.

Reason: In the interest of safeguarding private amenity and to ensure a satisfactory form of development.

**26. Non Standard Condition - Car Parking**

The development shall not be occupied until such time as the basement car parking area, indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in its approved 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.

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

**27. Non Standard Condition - Electric Charging Points**

The development shall not be occupied until such time that the electric charging point, indicated on the approved plans, have been installed and made available to the use of the residents. Prior to the installation of the charging points, details of the type of charging points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the electric charging points shall thereafter be retained for the use of the residents.

Reason: In the interest of promoting greener modes of transport and to reduce the potential impact of the development on the town centre air quality management area.

**28. Non Standard Condition - Cycle parking**

The development shall not be occupied until such time as details of cycle parking for each dwelling has been submitted to and approved in writing with the Local Planning Authority. The cycle parking shall be secure, convenient, covered and provided prior to the first occupation of any development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose thereafter.

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

**29. Non Standard Condition - Travel plans**

On the first occupation of each dwelling, the residents shall be provided with Travel and Information Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority.

Reason: To promote modal shift towards more sustainable forms of transports.

**30. Non Standard Condition - Bird Boxes**

Prior to the first occupation of the buildings a scheme for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed within one month of the bird box scheme being approved.

Reason: In the interest of securing biodiversity enhancement.

**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](http://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**

The Highway Authority observes that the proposed car parking spaces are not dimensionally in accord with the current Parking Standards.

**(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.